



## CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL  
TUESDAY - - - JUNE 21, 2005 - - - 6:00 P.M.

Time: Tuesday, June 21, 2005, 6:00 p.m.

Place: **City Council Chambers Conference Room and City Council Chambers**, City Hall, corner of Santa Clara Avenue and Oak Street.

### Public Comment

Anyone wishing to speak on the agenda items only may speak for a maximum of 3 minutes.

### Roll Call

### Agenda Items

1. Adjournment to Closed Session to consider:

PUBLIC EMPLOYMENT

Title: City Manager

Announcement of Action Taken in Closed Session, if any.

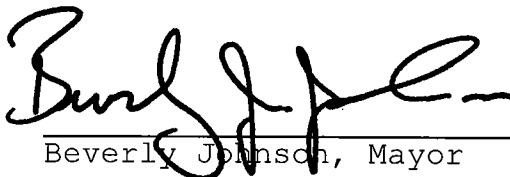
2. Recommendation to approve Agreement Appointing Debra Kurita as City Manager.

\* \* \*

Refreshments

\* \* \*

### Adjournment

  
Beverly Johnson, Mayor



## CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL  
TUESDAY - - - JUNE 21, 2005 - - - 6:40 P.M.

Time: Tuesday, June 21, 2005, 6:40 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner  
of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.
2. Public Comment on Agenda Items Only.

Anyone wishing to address the Council on agenda items only,  
may speak for a maximum of 3 minutes per item.

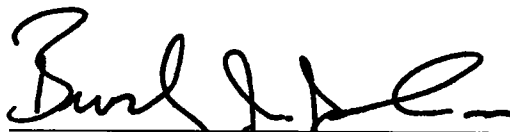
3. Adjournment to Closed Session to consider:

3-A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment

  
Beverly Johnson, Mayor

**AGENDA**  
**Special Meeting of the Governing Body of the**  
**Alameda Reuse and Redevelopment Authority**

\*\*\*\*\*

**Alameda City Hall**  
**Council Chamber, Room 391**  
**2263 Santa Clara Avenue**  
**Alameda, CA 94501**

**Tuesday, June 21, 2005**  
**Meeting will begin at 7:00 p.m.**  
**City Hall will open at 6:45 p.m.**

- 1. ROLL CALL**
- 2. Public Comment on Non-Agenda Items Only.**

Anyone wishing to address the Board on non-agenda items only, may speak for a maximum of 3 minutes per item.

- 3. ADJOURNMENT TO CLOSED SESSION OF THE ARRA TO CONSIDER:**  
**EXISTING LITIGATION – GOVERNMENT CODE SECTION 54956.9**

**CASE NAME:           Juvenile Court Case Number 187780**

**Announcement of Action Taken in Closed Session, if any.**

- 4. ADJOURNMENT**

Notes:

- Sign language interpreters will be available on request. Please contact the ARRA Secretary, Irma Frankel at 749-5800 at least 72 hours before the meeting to request an interpreter.
- Accessible seating for persons with disabilities (including those using wheelchairs) is available.
- Minutes of the meeting are available in enlarged print.
- Audio tapes of the meeting are available for review at the ARRA offices upon request.



# CITY OF ALAMEDA • CALIFORNIA

SPECIAL JOINT MEETING OF THE CITY COUNCIL  
AND COMMUNITY IMPROVEMENT COMMISSION  
TUESDAY - - - JUNE 21, 2005 - - - 7:25 P.M.

Location: **Council Chambers**, City Hall, Santa Clara Ave. and Oak St.

## Public Participation

Anyone wishing to address the Council/Commission on agenda items or business introduced by Councilmembers/Commissioners may speak for a maximum of 3 minutes per agenda item when the subject is before the Council/Commission. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

## PLEDGE OF ALLEGIANCE

## ROLL CALL

## MINUTES

Minutes of the Special Community Improvement Commission Meeting held on April 5, 2005; and the Special Joint City Council, Community Improvement Commission, and Alameda Reuse and Redevelopment Authority Meeting held on June 7, 2005.

## AGENDA ITEM

1. Joint Public Hearing to review and approve concept of Affordable Rental Housing at Island High as an eligible use of District Housing Fund.

## ADJOURNMENT

Beverly Johnson, Mayor  
Chair, Community Improvement  
Commission



## CITY OF ALAMEDA • CALIFORNIA

### IF YOU WISH TO ADDRESS THE COUNCIL:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY - - - - - JUNE 21, 2005 - - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 p.m., **City Hall, Council Chambers, corner of Santa Clara Ave and Oak St.**]

The Order of Business for City Council Meeting is as follows:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Consent Calendar
5. Agenda Items
6. Oral Communications, Non-Agenda (Public Comment)
7. Council Communications (Communications from Council)
8. Adjournment

### Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council.

SPECIAL MEETING OF THE CITY COUNCIL 6:00 P.M.  
CITY COUNCIL CHAMBERS AND CONFERENCE ROOM  
Separate Agenda

SPECIAL MEETING OF THE CITY COUNCIL 6:40 P.M.  
CITY COUNCIL CHAMBERS CONFERENCE ROOM  
Separate Agenda (Closed Session)

SPECIAL MEETING OF THE ALAMEDA REUSE AND 7:00 P.M.  
REDEVELOPMENT AUTHORITY, CITY COUNCIL CHAMBERS CONFERENCE ROOM  
Separate Agenda (Closed Session)

---

SPECIAL JOINT MEETING OF THE CITY COUNCIL AND 7:25 P.M.  
COMMUNITY IMPROVEMENT COMMISSION, CITY COUNCIL CHAMBERS  
Separate Agenda

---

1. ROLL CALL - City Council
2. AGENDA CHANGES
3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS
- 3-A. Proclamation recognizing Alameda Reads 20<sup>th</sup> Anniversary of formal literacy service to adults.

4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public.

- 4-A. Minutes of the Special City Council Meeting held on June 1, 2005; and Special and Regular City Council Meetings held on June 7, 2005.
- 4-B. Bills for ratification.
- 4-C. Recommendation to award Contract for Legal Advertising for Fiscal Year 2005-06.
- 4-D. Recommendation to amend the Construction Contract with Golden Bay Construction Inc. for the Webster Renaissance Project, No. P.W. 07-02-07 in the amount of \$50,000 using Community Development Block Grant (CDBG) Funds for the purchase and installation of bus shelters.
- 4-E. Adoption of Resolution Recommending the Inclusion of Projects in the Alameda Countywide Bicycle Plan.

5. REGULAR AGENDA ITEMS

- 5-A. Adoption of Resolution Appointing Peter W. Holmes as a Member of the Public Utilities Board. [Partial term expiring June 30, 2008]; and
  - Adoption of Resolution Appointing John R. McCahan as a Member of the Public Utilities Board.

- 5-B. Introduction of Ordinance Amending the Alameda Municipal Code to Change the Name of the Public Art Advisory Committee to Public Art Commission, Transfer Reporting for Recreation and Park Commission to City Council, and Transfer Staffing from the Recreation and Park Department to the Planning and Building Department by Amending Subsections 30-65.3 (Contribution Requirements), 30-65.4 (Public Art), 30-65.5 (Alameda Public Art Fund), 30-65.7 (Public Art Advisory Committee), 30-65.8 (Application and Approval Procedures for Placing Public Art on Private Property) , 30-65.10 (Guidelines for Approval), and 30-65.11 (Appeal to the City Council) of Section 30-65 (Public Art in New Commercial, Industrial, Residential and Municipal Construction).
- 5-C. Public Hearing to consider an Appeal of the Historical Advisory Board's approval of a Landscaping Plan for planting two Coast Live Oak trees on the vacant property at 301 Spruce Street. The submittal of a Landscaping Plan, as part of new development proposals, was required by the Historical Advisory Board as a condition for the removal of one Coast Live Oak tree in 2001; **and adoption of related resolution.** The site is located at 301 Spruce Street within the R-4 Neighborhood Residential Zoning District. Applicant: Bill Wong for Hai Ky Lam. Appellant: Patrick Lynch and Jeanne Nader. **[Continued from June 7, 2005]**
- 5-D. Public Hearing to consider **adoption of Resolution**, "Approving Engineer's Report, Confirming Diagram and Assessment and Ordering Levy of Assessments, Island City Landscaping and Lighting District 84-2."
- 5-E. Public Hearing to consider **adoption of Resolution**, "Approving Engineer's Report, Confirming Diagram and Assessment and Ordering Levy of Assessments, Maintenance Assessment District 01-01 (Marina Cove)."
- 5-F. Public Hearing to consider **adoption of Resolution**, "Authorizing Collection of Delinquent Integrated Waste Management Accounts by Means of the Property Tax Bills."
- 5-G. Recommendation to authorize the Acting City Manager to execute extension of the Harbor Bay Maritime Ferry Operating Agreements for Alameda Harbor Bay Ferry Service (AHBFS) and adopt associated budget.
6. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)

Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda.

7. COUNCIL COMMUNICATIONS (Communications from Council)

7-A. Discussion of the proposed baseball stadium along Alameda and Oakland's shared estuary. [Councilmember Daysog]

7-B. Consideration of Mayor's nominations for appointment to the Civil Service Board, Historical Advisory Board, Housing and Building Code Hearing and Appeals Board, Housing Commission, Library Board, Planning Board, and Social Service Human Relations Board.

8. ADJOURNMENT

\*\*\*

- For use in preparing the Official Record, speakers reading a written statement are invited to submit a copy to the City Clerk at the meeting or e-mail to: lweisige@ci.alameda.ca.us
- Sign language interpreters will be available on request. Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 72 hours prior to the Meeting to request an interpreter.
- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 747-4800 or TDD number 522-7538 either prior to, or at, the Council Meeting.
- Accessible seating for persons with disabilities, including those using wheelchairs, is available.
- Minutes of the meeting available in enlarged print.
- Audio Tapes of the meeting are available upon request.
- Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.



**CITY OF ALAMEDA**  
**Memorandum**

**DATE:** June 15, 2005

**TO:** Honorable Mayor and  
Councilmembers

**FROM:** Karen Willis  
Human Resources Director

**SUBJECT:** Agreement Appointing a City Manager Effective August 1, 2005

**BACKGROUND**

On March 14, 2005, City Manager James M. Flint retired. The City Council hired The Mills Group, a consulting firm, to conduct a national recruitment for the City Manager position.

**DISCUSSION**

The City Council met with Lisa Mills of the Mills Group in early January 2005 to indicate the qualifications they were looking for in a City Manager. They met on March 15, 2005 to screen applicants to determine which candidates to invite for interviews. The first round of interviews was conducted by City Council on April 7 and April 8, 2005. Second interviews were conducted on April 21, 2005 by a community panel, a panel of City staff and by City Council. On May 4, 2005, the City Council conducted more interviews of candidates and made a determination on a lead candidate. The City Council then made on-site visits to the current employer of the lead candidate on May 23 and May 24, 2005. On June 7, 2005 the City Council agreed to offer employment to Debra Kurita. Ms. Kurita has accepted the offer of employment with the City of Alameda and will assume the responsibilities of City Manager on approximately August 1, 2005.

The contract is on file in the City Clerk's Office.

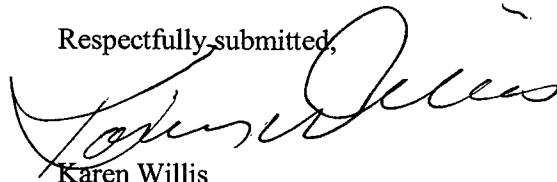
**BUDGET CONSIDERATION/FINANCIAL IMPACT**

Funds for this position are already part of the City Manager's department budget. No additional funds are required.

**RECOMMENDATION**

Recommend approval of City Council's negotiated agreement between the City of Alameda and Debra Kurita.

Respectfully submitted,



Karen Willis  
Human Resources Director

**Re: Agenda Item #2  
Special Council Meeting  
6-21-05, 6:40 p.m.**

## **UNAPPROVED MINUTES**

### MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING TUESDAY - - - APRIL 5, 2005 - - - 7:27 P.M.

Chair Johnson convened the Special Meeting at 8:24 p.m.

ROLL CALL - Present: Commissioners Daysog, deHaan, Gilmore, Matarrese, and Chair Johnson - 5.

Absent: None.

#### MINUTES

(05- ) Minutes of the Special Community Improvement Commission (CIC) Meetings of March 1, 2005 and March 15, 2005, and the Special Joint City Council and CIC Meeting of March 15, 2005. Approved.

Commissioner Matarrese moved approval of the minutes.

Commissioner Gilmore seconded the motion, which carried by unanimous voice vote - 5.

#### AGENDA ITEM

(05- ) Recommendation to accept report on the Alameda West Strategic Retail Implementation Recommendations.

The Base Reuse and Redevelopment Manager provided a brief report.

Consultant, Linda Congleton, Linda S. Congleton and Associates, gave a Power Point Presentation on the optimal retail implementation strategy for the City.

Commissioner Daysog stated a 300,000 square foot center would be needed in order to compete regionally; inquired whether it would be wiser to have a shopping center with said scale of square footage that could be a regional draw.

Ms. Congleton responded that increasing the square footage would not produce a regional draw because there is no freeway access.

Commissioner Daysog stated that the South Shore Shopping Center draws people from Oakland; the potential to capture from the region should not be undersold.

Ms. Congleton stated that making the center larger would not change the fact that two-thirds of sales would come from Alameda.

Commissioner deHaan stated there is a transportation concern with building out at the west end; walkable shopping needs to be established; inquired whether the Del Monte building would be a good location for a grocery store.

Ms. Congleton responded that there would be some challenges; stated the building would not give the retailer visibility and does not lend itself to a traditional grocery store; noted that grocery stores prefer to locate on major streets.

Commissioner Matarrese stated that the report did not reference the Economic Development Strategic Plan (EDSP); that he was looking for more connection to the Alameda Point Reuse Plan and walkable neighborhoods; noted the EDSP had certain goals to improve and support neighborhood commercial districts as well as the districts on Park Street and Webster Street; stated that he was not ready to accept the report; the report does not reference the context of all the other plans.

Ms. Congleton stated the report is not intended to be a policy document; the report addresses retailing out there and interested [in locating in Alameda].

Commissioner Matarrese stated that the public direction [in other plans] would have been valuable to help form recommendations.

Ms. Congleton stated that she was aware of the goals [in plans]; that her job as a retail analyst was to outline options.

Chair Johnson stated the next step would be to review the existing plans and strategies.

The Base Reuse and Redevelopment Manager stated the intent of the report was to tier off the existing policy initiatives, review four specific sites, provide the most tools possible to evaluate proposals, and have the retailing consultant make some very specific recommendations on what can be accommodated at the sites and on the trade offs; suggested the introduction to the report be revised to reference the existing documents.

Commissioner Matarrese stated that the report [introduction] indicates that it is an implementation strategy, which it is not.

Commissioner Gilmore stated that subtracting the amount of possible retail square footage and noting the types of retailers that could be potentially successful can be accomplished by integrating the information with the previous reports and the expressed citizen preference.

Ms. Congleton concurred with Commissioner Gilmore; noted small shops cannot be supported without an anchor.

Commissioner Daysog stated that the presented information is an envelope from which decisions can be made.

Ms. Congleton stated that typically a grocery store is 30,000 to 65,000 square feet and needs to serve 4,000 to 7,000 homes; noted walkable neighborhoods need to have a sufficient amount of density.

Commissioner deHaan inquired whether the additional grocery store should be at Enterprise Landing or Alameda Point.

Ms. Congleton responded that there could be support for grocery stores at both Enterprise Landing and Alameda Point in theory; noted it would be necessary to wait for all of the homes at Alameda Point to be built out.

Commissioner deHaan inquired whether the City should be considering a Target or urban type center.

Ms. Congleton responded the City should considering a Target type center; stated that Target has wanted to be in Alameda for years; the City should try to get Target at Enterprise Landing, if not South Shore.

Chair Johnson inquired whether a smaller sized urban type center would be feasible, to which Ms. Congleton responded there would be a great resistance from Target.

Commissioner Daysog stated that he would encourage a regional approach review that goes beyond boundaries.

Ms. Congleton stated that down sizing the anchors does not attract the mini anchors.

Chair Johnson stated the intention in the introduction should be made clearer.

The Base Reuse and Redevelopment Manager stated staff could add a more comprehensive introduction and circulate it as an off agenda report.

Commissioner Matarrese stated that he would like the matter brought back to the Commission; that he fears an off agenda report would disappear; stated he would like to engage the community.

Commissioner Daysog stated he would like to have a timeline on what would be done with the information provided.

Chair Johnson stated that she was glad that the analysis was done before going forward with any decisions.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the Special Meeting at 9:07 p.m.

Respectfully submitted,

Lara Weisiger  
Secretary, Community Improvement  
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL,  
COMMUNITY IMPROVEMENT COMMISSION, AND  
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY MEETING  
TUESDAY- -JUNE 7, 2005- -7:25 P.M.

Mayor/Chair Johnson convened the meeting at 7:59 p.m.

ROLL CALL - Present: Councilmembers/Commissioners/Board Members  
Daysog, deHaan Gilmore, Matarrese, and  
Mayor/Chair Johnson - 5.

Absent: None.

MINUTES

(05- CC/05- CIC) Minutes of the Special Joint City Council, Community Improvement Commission, and Alameda Reuse and Redevelopment Authority Meeting of May 17, 2005. Approved.

Councilmember/Commissioner/Board Member deHaan moved approval of minutes with the amendment that the minutes state: "Recommendation to receive and file revised Alameda West Strategic Retail Implementation recommendations."

Councilmember/Commissioner/Board Member Matarrese seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEMS

ARRA Resolution No. 36, "Approving and Adopting the Operating Budget and Appropriating Certain Moneys for the Expenditures Provided in Fiscal Year 2005-06." Adopted.

(05- CIC) Resolution No. 05-137, "Approving and Adopting the Operating Budget and Appropriating Certain Moneys for the Expenditures Provided in Fiscal Year 2005-06." Adopted.

(05- CC) Resolution No. 13845, "Approving and Adopting the Operating Budget and Appropriating Certain Moneys for the Expenditures Provided in Fiscal Year 2005-06." Adopted.

The Acting City Manager/Executive Director stated that this is the first time that the Alameda Reuse and Redevelopment Authority (ARRA), Community Improvement Commission (CIC) and City Council budgets have been presented at one time; noted it is important to receive the budgets together because there is a considerable amount of interaction between the three agencies; a long-term financial plan for ARRA is provided and a ten-year financial plan for the

City would be provided in the near future; additional CIC information would lay the ground work for the next fiscal year budget; the balanced budget has no new or increased taxes; there is a significant deficit in the infrastructure maintenance; the City needs to spend considerably more than what is included in the budgets to maintain the City streets, sidewalks, and trees; a proposal on how to approach the backlog will be presented to Council during the next six months; stated that service delivery impact presentations will be presented to the Council by the departments with the most significant impacts.

The Finance Director gave a brief presentation on the changes in revenues for the next fiscal year.

The Fire Chief gave a brief presentation on the Fire Department's budget reduction impacts.

The Police Captain of Bureau of Operations gave a brief presentation on the Police Department's budget reduction impacts.

Vice Mayor Gilmore stated the Police Department is being asked to do more with less resources; crime statistics and how the Police Department handles duties matter to the citizens in Alameda; that she received an e-mail recently stating how well the Police Department fights crime and that overall crime statistics have gone down; requested statistics be shared with the public.

The Police Captain of Bureau of Operations outlined the following statistics for 2004: Part 1 crimes for more serious crimes decreased by 16.5%; Part 2 crimes for misdemeanors decreased by 4.6%; arrests were up 3.5%.

Mayor Johnson inquired whether 2005 statistics were available, to which the Police Captain of Bureau of Operations responded that Part 1 and 2 crimes are down, but that he does not have the exact numbers; arrests are on par with last year.

Councilmember Daysog stated that he appreciates the hard work of the Police Department and the pro active approach; Alameda has an earned reputation to be a place where people who have served time do not want to come; reaching appropriate staffing levels is a challenge; his suggestion [to increase the number of police officers] addressed 18 months ago should be revisited.

Councilmember Matarrese stated that he leaves the ability to keep crime levels down to experts; Council should be advised when staffing levels dip below 99 officers; stated the City has 5,000

marine slips for property tax paying boats; inquired whether the Council wants to make a policy decision not to have patrol boat services; inquired what the cost would be to restore the police patrol boat to last summer's level..

The Police Captain of Bureau of Operations responded the Harbor Patrol Program has never been full time; the Program takes two or three officers out of patrol on weekends, which requires overtime backfilling.

Councilmember Matarrese requested figures on what it would cost to restore the patrol operation to last summer's level.

Mayor Johnson stated that the Oakland Police Chief was advocating for boat funding from Homeland Security; inquired whether the City could join the Coast Guard, City of Oakland, and Sheriff's department, to provide patrol services on the Estuary.

The Police Captain of Bureau of Operations responded that the Sheriff's Department has been a wonderful resource for harbor assistance.

Mayor Johnson inquired whether the Sheriff's Department has estuary patrol, to which the Police Captain of Bureau of Operations responded in the affirmative.

Mayor Johnson inquired whether the Sheriff's Department performs enforcement patrols, to which the Police Captain of Bureau of Operations responded in the affirmative; stated that the Coast Guard's priorities are different from municipalities and counties; stated that he will research the Harbor Patrol Program costs.

Mayor Johnson inquired whether the City of Oakland utilized their boat, to which the Police Captain of Bureau of Operations responded that the City of Oakland was not spending much time on the boat due to the shortage of patrol cars on the streets; the situation might have changed; he would look into the matter and report back to Council.

Vice Mayor Gilmore stated that the figures for revitalizing the estuary patrol should also include the boat repair costs.

The Police Captain of Bureau of Operations stated that the boat is a very expensive piece of equipment; one of the problems with the boat program is that officers' skills diminish due to the limited time spent on the boat; lack of expertise and training also add to the expense of the boat operation.



The City Attorney gave a brief presentation on the City Attorney's office budget reduction impacts.

Mayor Johnson requested further explanation on the impacts of the City Attorney's office reductions.

The City Attorney stated that the duties of two full-time positions that are being cut would be absorbed within the existing staff and would result in some delays in quantity and timeliness of the workload.

Mayor Johnson inquired whether the reduction would cause delays in reviewing contracts.

The City Attorney responded that the current contract review time is two days; contract review will continue to be treated as a priority.

Mayor Johnson inquired whether two days is an average time for contract review, to which the City Attorney responded the two day turnaround time was the average time for contract review during the last five months.

Mayor Johnson inquired what service impacts the City departments could expect; stated that a Charter change might be necessary if there was a delay in the City Attorney's office approving a contract.

The City Attorney responded that the existing workload would be spread among existing staff; phones may need to be placed on voice mail at lunch time; there may be a delay in document production and routine tasks; stated the City Attorney's office is trying to work smarter; the workload that is handled by the Administration Management Analyst would need to be spread among the remaining staff; there would be a need to have Department Heads do more in terms of contract preparation and review.

Mayor Johnson inquired whether there was a way to advise the Department Heads which contracts need to be approved by the City Attorney's office and which do not.

The City Attorney stated that she has tried to triage the contracts by preparing a training program and getting forms and options on line to enable the departments to do more of the routine tasks; the level of the budget cut requires that things be done differently.

Mayor Johnson inquired whether there would be a separate

presentation for Risk Management, to which the Acting City Manager responded that Risk Management has been included in the City Attorney's presentation.

Mayor Johnson stated that she would address the litigation contingency account issue later.

Councilmember Daysog stated that service to the departments is an important issue; every Councilmember is in agreement with streamlining efforts; the Council appreciates the service that the City Attorney's office has rendered to the public on issues such as the Casino and the Oakland Airport; an 18% cut is a huge hit; stated that the value of the City Attorney's service to the citizens could not be overstated.

The Acting Recreation and Parks Director gave a brief presentation on the impacts of the budget reduction.

Mayor Johnson inquired what the cost would be to implement the Park Master Plan.

The Acting Recreation and Parks Director responded estimates are between \$75,000 and \$125,000, depending upon the number of public meetings, the review process, and the number of times the matter is brought back to various entities.

Mayor Johnson inquired whether maintenance would be included in the Park Master Plan, to which the Acting Recreation and Parks Director responded the Park Master Plan would be an overall park plan covering almost every detail of the park system.

Vice Mayor Gilmore inquired how many grants are successfully applied for each year, to which the Acting Recreation and Parks Director responded that the City received approximately \$860,000 in grants from the last two State bonds [Propositions 12 and 40]; the three grants pending are Estuary Park, Paden School Trail, and Alameda Point Gym.

Vice Mayor Gilmore inquired whether there has been a full-time grant writer in the past, to which the Acting Recreation and Parks Director responded in the negative; grant writing has been divided among the administrative staff.

Vice Mayor Gilmore stated that a grant writing position might be worth reviewing.

Mayor Johnson inquired whether a grant writing position could be

utilized by all departments.

The Acting City Manager responded there has been consideration to have an experienced grant writing volunteer; stated grant application opportunities will not be missed.

Councilmember Daysog stated there are consulting companies that provide grant search and administration services and only charge a portion of the grant amount.

Mayor Johnson stated that a professional grant writer might be more aware of grant opportunities; the possibility of contracting out Citywide grant writing services should be reviewed.

Councilmember deHaan inquired whether \$75,000 to \$125,000 for the Park Master Plan consulting services is included in the budget, to which the Acting Recreation and Park Director responded in the negative.

Councilmember deHaan inquired whether anything has been done on the Park Master Plan, to which the Acting Recreation and Park Director responded the initial research has been performed; a Citywide needs assessment was performed a few summers ago.

The Human Resources Director gave a brief presentation on the Human Resources Department's budget reduction impacts.

The Building Official gave a brief presentation on the Planning and Building Department's budget reduction impacts.

Mayor Johnson stated that there are part-time planners at Alameda Point and City Hall; inquired whether having all planners at one location would be more efficient.

The Building Official responded there is one Planner working two days a week at Alameda Point and the rest of the week at City Hall; the schedule has worked out well; the Planner will need to spend more time at City Hall because of the Planning Services Manager cut.

Vice Mayor Gilmore inquired whether the Planning Department's cost recovery is still at 90%, to which the Building Official responded cost recovery is at 100%.

Vice Mayor Gilmore stated that cutting a position that generates revenue may need to be re-thought; the City needs to be business friendly.

Councilmember deHaan inquired whether the City uses contract assistance when there are surges in the workload and whether the costs would be covered by the fees, to which the Building Official responded in the affirmative.

Councilmember Matarrese inquired whether the cut of the Planning Services Manager would slow down the permit and plan review process, to which the Building Official responded that there would be a slow down in plan review with a ripple effect on advanced planning projects.

Councilmember Matarrese stated the cut is not large enough to justify the slow down; the costs incurred due to the cut would be far greater than the savings.

Mayor Johnson inquired about the possibility of utilizing outside consultants.

The Acting City Manager responded that surges and decreases in activity make it difficult to maintain even staffing levels; outside consultants are used to staff up for surges and are paid for by the applicant.

Mayor Johnson stated that staffing should not be leveled to meet the peak demand.

The Acting City Manager stated that the new Planning and Building Director could determine the right amount of staffing to handle the workload.

Councilmember Matarrese stated that he is concerned with the intermediate and smaller projects whose proponents and owners do not have the ability to absorb the delay; doing work without permits might be encouraged and cause a deterioration of the housing stock across the City; the City should be mindful in trying to save a small amount of money and paying a large price in the future.

Councilmember deHaan inquired what the status was for establishing a one-stop permit center and whether it was within the budget.

The Building Official responded that staff is working with the Acting City Manager to determine where an appropriate one-stop permit center could be; funding has been set aside.

Councilmember deHaan inquired whether there is an improvement in

the over-the-counter permit processing.

The Building Official responded in the affirmative; stated front line staff upgrades have freed up Planners' time.

Councilmember deHaan inquired whether goals can be met with streamlined staffing, to which the Building Official responded in the affirmative.

The Development Services Director gave a Power Point presentation on the Development Services Department, CIC and ARRA budget.

Mayor/Chair Johnson inquired whether there would be a Metropolitan Transportation Commission (MTC) grant available for the Phase 2 of the Park and Webster Streets Streetscape Projects next year, to which the Development Services Director responded that MTC believes the City would be a better candidate once the project has been completed.

Mayor/Chair Johnson inquired whether the City would apply for grant funding next year, to which the Development Services Director responded in the affirmative.

Mayor/Chair Johnson inquired how much the City's match would be.

The Development Services Director responded that the formula criteria is not known; stated that a number of funding options have been identified, such as supplemental tax increment payments or unused redevelopment bond money earmarked for the Library project.

Mayor/Chair Johnson stated that it is important to ensure that money is budgeted for Phase 2 next year.

Commissioner/Board Member Daysog stated that the City needs to be very careful in Fiscal Year 2005-06; what happens in the coming year will ripple into the following years; stated there are a lot of committed projects.

The Development Services Director concurred with Commissioner/Board Member Daysog; stated that the Development Services Department is anticipating the resignation of a division director mid year; the position will not be filled; a number of the Development Services Department funds cannot cross pollinate into other activities; the overhead and staffing in the CIC budget is a little over 10%; there are very few bodies managing CIC projects; Community Development Block Grant (CDBG) funded staff cannot be moved to CIC projects because it is not eligible for them under the grant dollars; there

is flexibility within ARRA and CIC staff; only four people are funded through lease revenues; one person will be eliminated; the Development Services Department will continue to morph throughout the year; almost all of the cash flows have been completed, which will provide a good picture of all obligations, pass-throughs, contractual arrangements, etc.

Commissioner/Board Member Daysog stated there is a greater control over the operating costs for staff; the City will need to keep a close eye on projects.

The Development Services Director stated there is not a lot of cushion built in for all of the capital projects.

Commissioner Daysog stated that the \$2 million earmarked for the Library might not go for the Library because the money might be needed for the redevelopment projects.

The Development Services Director stated the cycle is very common; when large construction projects are started there is a slip period of 18 months to three years before the projects hit the tax rolls.

Commissioner Daysog stated that it is important to be very cautious with the large budget projects; the Alameda Power & Telecom cable television project was estimated at \$16 million and cost \$29 million.

The Development Services Director stated that construction costs continue to escalate.

Commissioner Daysog thanked the Development Services Director for the leadership shown.

Commissioner/Board Member deHaan stated the budget is fragile at the best; any Alameda Point glitches would be a major concern; noted he has deep concerns for the future years; stated that he would like to see budgeting for the retail recruiter position in the future.

The Development Services Director stated that a retail recruiter has been funded for one year.

Mayor/Chair Johnson stated that if recruiter benefits are realized, funding can be added for the future years; re-emphasized that 2005, 2006, and 2007 will be extremely lean years; stated that she appreciates the complex and difficult work done by the Development Services Department; efforts will help to bring Alameda back to the

viable community and good business center of 20 to 50 years ago.

Commissioner/Board Member Gilmore thanked the Acting City Manager/Acting Executive Director and Department Heads for an extremely useful budget presentation; requested additional information on the COPS Unit and additional staffing of the DARE Program.

Councilmember Daysog requested an Off Agenda Report providing up to date information on the issue of telephone tax for public safety.

Vice Mayor Gilmore inquired whether the proposal to fund infrastructure included an increase in the property transfer tax and the legality of using the funds for streets and sidewalks.

The Acting City Manager responded that he would include the property transfer tax increase in the proposal; the City Attorney will look into the legality of the matter; Proposition 218 addresses what can and cannot be done.

Mayor/Chair Johnson stated that she would like to continue to look at attorney and risk management costs; she would like to spend as little as possible on attorneys so that the money could be spent elsewhere; stated that it is important to be efficient with money and not cut in ways that eventually lead to spending more; stated that the Council needs to exercise some oversight over the litigation contingency budgets; the total amount budgeted for Risk Management is approximately \$470,000 and approximately \$350,000 for Alameda Power & Telecom; suggested that the money be allocated as proposed in the budget but that the City Attorney bring requests to hire outside counsel to the City Council; the City Attorney could be authorized to spend around \$2500 for emergencies until the approval to hire outside counsel can be brought to Council; stated she is open to suggestions from the City Attorney; noted that the Charter gives the Council oversight of hiring outside counsel.

Councilmember Matarrese inquired whether the Planning and Building reduction is a lay off or an unfilled position, to which the Acting City Manager responded the position would not be filled; stated he would like to fill the Planning and Building Director position first and then get staffing recommendations.

Councilmember Matarrese reiterated that the dollar amount of the reduction is small; that he likes the idea of contracting services; having a reduction in the processing of permits and review of plans costs the City and customer money in the long run; other budget issues are hard realities; stated City services cost a lot of

money.

Councilmember deHaan inquired whether there was \$150 million in permits this year, to which the Building Official responded permits have totaled \$138 million.

Councilmember deHaan stated that there was not a budget for FY 2004-05 for nine months; the ten-year plan will give better insight; he is concerned with the future years; praised the efforts of all involved with the budget preparation; stated the information provided is good, hard data; it is important to have some balances in equity within pay structures and labor management agreements.

Vice Mayor Gilmore stated that she was glad that the public was present at tonight's meeting; she hoped that more people attend when the ten-year budget is presented; the City's past commitments will pay a big role in the future.

Councilmember Daysog stated that having a ten-year budget is great but it is important to have a strong hold on the budget situation for the next 6 to 18 months; suggested devising a system to track spending and see how the budget is evolving every two weeks.

The Acting City Manager stated that he always reviews the budget with the Finance Director; stated that said information can be passed on to Council.

Councilmember Daysog requested an Off Agenda Report on grant models and payment options; stated he looked forward to the City Attorney's review on how to handle the budget issues regarding attorney and risk management costs; encouraged there be a six or eight month test period to determine whether or not the proposal works.

Mayor Johnson stated that there is a litigation contingency in the budget; the Charter states: "at the request of the City Attorney, the Council can consent to hiring outside counsel"; \$470,000 has been budgeted in the past, but there has not been any follow through on the oversight of hiring of outside counsel; stated she would like to have a six month review; she does not want to bog down the process; the right amount of money needed for urgent matters should be set; the Charter also allows the Council to delegate the authority to other boards and commissions; the Council should consider delegating the hiring of outside counsel for Alameda Power & Telecom to the Public Utilities Board.

Councilmember Daysog stated that he does not feel there is over



spending in the City Attorney's office.

Mayor Johnson stated that she is not suggesting to change the budget amount; she is trying to follow the Charter.

Councilmember deHaan stated that the budget began with focus on the General Fund; special revenue funds, capital projects, debt service, and enterprise funds also need to be reviewed.

Mayor Johnson stated that all the funds are intermingled to a certain extent and have impacts on each other.

Board Member deHaan moved adoption of the Alameda Reuse and Redevelopment Authority Resolution.

Board Member Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Commissioner deHaan moved adoption of the Community Improvement Commission Resolution.

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Daysog moved adoption of the City Council Resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(05-\_\_\_\_\_CIC) Recommendation to approve the Determination that planning and administrative expenses incurred during FY 2004-05 are necessary for the production, improvement or preservation of low- and moderate-income housing. Accepted.

Commissioner Gilmore moved approval of the staff recommendation.

Commissioner Daysog seconded the motion, which carried by unanimous voice vote - 5.

#### ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the meeting at 9:54 p.m.

Respectfully Submitted,

Lara Weisiger, City Clerk  
Secretary,  
Community Improvement Commission

The agenda for this meeting was posted in accordance with the Brown  
Ace.

**CITY OF ALAMEDA**  
**MEMORANDUM**

To: The Honorable Mayor  
and Members of the City Council

Honorable Chair and Members  
of the Community Improvement Commission

From: William C. Norton  
Acting City Manager

Date: June 8, 2005

Re: Joint Public Hearing to Review and Approve Concept of Affordable Rental  
Housing at Island High as an Eligible Use of District Housing Fund

Background

In 1991, the Community Improvement Commission (CIC) and Alameda Unified School District (AUSD) entered into an agreement (the "Agreement") whereby the CIC agreed to set aside 8% of the total tax increment from the Business and Waterfront Improvement Project (BWIP), specifically 40% of the Housing 20% set aside funds, into a special fund called the District Housing Fund. The agreement requires the AUSD to use the money from the District Housing Fund for increasing and improving the supply of low or moderate income housing. The agreement also requires that prior to March 1st of each year (extended to April 1<sup>st</sup> this year), the AUSD present the CIC with a prioritized list of housing programs and projects for use of these funds.

Also under the terms of the Agreement, prior to July 1<sup>st</sup> of each year, the CIC and City Council are to hold a joint public hearing to review the proposed housing projects or programs. The purpose of the joint public hearing is to determine whether the proposed housing project(s) meet the requirements of the Community Redevelopment Law and the terms and conditions of the Agreement as to the District Housing Fund, the Guyton Settlement Agreement and the City's Housing Element of the General Plan. The Agreement states that the CIC shall approve those projects which meet the applicable requirements.

*Dedicated to Excellence, Committed to Service*

### Discussion/Analysis

On March 30, 2005, the AUSD submitted a description of various development scenarios for affordable rental housing at the site of Island High School at the corner of Eagle Avenue and Everett Street. On May 24, 2005, the Board of Education approved the District's Facilities Master Plan, which identifies the Island High site for housing development.

The AUSD has conceptually described a project to develop rental housing for District employees at Island High. Options range from the development of six new units of affordable rental housing subject to the Agreement, plus an additional ten rental units and daycare center funded by the AUSD but developed outside the terms of the agreement, to 28 multi-family rental units as a joint venture with the Housing Authority (using the Housing Authority's Measure A exception).

If the Island High affordable rental-housing concept is approved, as a next step staff will work with the AUSD to refine their scenarios into a development plan. The CIC will then enter into an agreement with the AUSD to ensure that the development complies with all sections of Community Redevelopment Law which govern the use of 20% set-aside funds, as well as the terms of the Agreement pertaining to the Guyton Settlement Agreement. In addition, the new agreement would include a scope of work, project budget and eligible expenses, project schedule and disbursement of funds for the development of rental housing at Island High. This agreement would be presented to the CIC for approval within 90 days of project approval.

The proposed development concept conforms to the City's Housing Element, which identifies the District Housing Fund as a funding source to develop new units on a site to be determined. The 2000 Housing Element anticipated that \$1.8 million in housing funds would be sufficient to subsidize at least sixteen units; however, the AUSD's current proposal anticipates that \$1.4 million will be needed to develop six new units. Staff will work closely with the AUSD to maximize the number of units that can be developed using the District Housing Fund, but development costs have risen considerably since the Housing Element was drafted.

### Fiscal Impact

There is no impact on the General Fund. The District Housing Fund currently contains \$1,345,730 and is expected to receive another \$260,000 in tax increment at the end of this fiscal year. The AUSD anticipates that the District Housing Fund will be used to leverage additional public and private funds.

*Dedicated to Excellence, Committed to Service*

Municipal Code/Policy Document Cross Reference

This project is consistent with the Housing Element of the General Plan; however the number of units developed might be fewer than anticipated in the Housing Element.

Recommendation

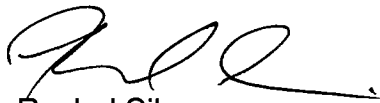
It is recommended that the City Council review and approve the concept of rental housing at the Island High site as an eligible use of the District Housing Fund.

It is recommended that the Community Improvement Commission review and approve the concept of rental housing at the Island High site as an eligible use of the District Housing Fund.

Respectfully submitted,



Leslie A. Little  
Development Services Director



By: Rachel Silver  
Development Manager, Housing

LL\RS: mlf

cc: AUSD Superintendent

*Dedicated to Excellence, Committed to Service*

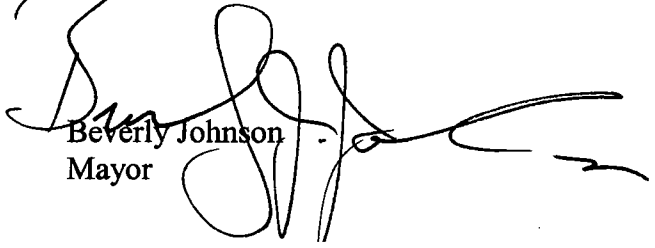


## ***Proclamation***

### **RECOGNIZING ALAMEDA READS 20<sup>TH</sup> ANNIVERSARY OF FORMAL LITERACY SERVICE TO ADULTS**

- Whereas, in 1985, the Alameda Free Library launched a formal Adult Literacy Program specifically to address the needs of illiterate adults; and
- Whereas, one in five adults is considered functionally illiterate; and
- Whereas, the children of illiterates are twice as likely as their peers to be illiterate also; and
- Whereas, when adults learn to read, they also improve the lives of their children, enabling them to succeed in school and to assure their future success as adults; and
- Whereas, Alameda Reads has served over 700 adults who needed help with their reading and writing over the past 20 years; and
- Whereas, more than 500 volunteers have donated over 60,000 hours of service to provide instruction to low literacy adults; and
- Whereas, increased literacy skills enhance people's self-confidence and give adults more power as family members, as workers, and as community members; and
- Whereas, adult learners, through their work in basic skills programs have greater access to information, have more voice in the world, are better able to take independent action on their own behalf and on the behalf of their families, and develop lifelong learning skills; and
- Whereas, 2005 marks the 20 year anniversary of providing formal literacy services by the Alameda Free Library.

Be it resolved that, in recognition of the accomplishments and commitment of hundreds of adult learners who pursue their educational goals and the hundreds of volunteer tutors who teach them, we honor Alameda Reads and the Alameda Free Library on the 20<sup>th</sup> anniversary of providing formal literacy services to adults.

  
Beverly Johnson  
Mayor

Office of the Mayor  
2263 Santa Clara Avenue, Room #320  
Alameda, California 94501-4477  
510.747.4701 Office • Fax 510.747.4704 • TDD 510.522.7538

**Proclamation 3-A  
6-21-05**

**UNAPPROVED MINUTES**  
MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
WEDNESDAY - - - JUNE 1, 2005 - - - 6:00 P.M.

Mayor Johnson convened the Special Meeting at 6:05 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05 ) Public Employment; Title: City Manager.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that the Council gave direction regarding City Manager recruitment.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:10 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

## **UNAPPROVED MINUTES**

### MINUTES OF THE SPECIAL CITY COUNCIL MEETING TUESDAY - - - JUNE 7, 2005 - - - 5:30 P.M.

Mayor Johnson convened the Special Meeting at 6:30 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05- ) Public Employee Performance Evaluation; Title: City Manager.

(05- ) Conference with Legal Counsel - Existing Litigation; Name of case: McGee v. City of Alameda.

(05- ) Conference with Labor Negotiators; Agency Negotiators: Human Resources Director and Craig Jory; Employee Organizations: International Brotherhood of Electrical Workers (IBEW) and Management and Confidential Employees Association (MCEA).

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Public Employee Performance Evaluation, the Council discussed the performance of the Acting City Manager; regarding Conference with Legal Counsel - Existing Litigation, the Council obtained briefing from Legal Counsel; and regarding Conference with Labor Negotiators, the Council obtained briefing from the Human Resources Director.

#### Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.



MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -JUNE 7, 2005- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:45 p.m.  
Councilmember Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(05- ) Mayor Johnson presented the Proclamation expressing appreciation to Pacific Gas & Electric and Alameda Power & Telecom [paragraph no. 05- ], the Proclamation recognizing contributions to the City by our Gay and Lesbian Citizens [paragraph no. 05- ], and the Resolution Commending Officer Frank Damian [paragraph no. 05- ] prior to the Consent Calendar.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05- ) Proclamation expressing appreciation to Pacific Gas & Electric and Alameda Power & Telecom for the prompt response in relocating a gas line, thereby greatly aiding the City's efforts in the construction of the new Main Library.

Mayor Johnson read and presented the proclamation to Susan Yee and Tom Gaurino from Pacific Gas & Electric (PG&E) and Dean Batchelor from Alameda Power & Telecom (AP&T).

Susan Yee thanked the Council for the proclamation; stated PG&E's priority has always been to be customer focused and provide the best level of service possible.

Tom Gaurino thanked the Council for the recognition.

Dean Batchelor stated that AP&T appreciates the proclamation and looks forward to working with departments to ensure the Library project's success.

(05- ) Proclamation recognizing contributions to the City by our Gay and Lesbian Citizens and encouraging the community to recognize these contributions, particularly during the month of June, Gay Pride Month.

Mayor Johnson read and presented the proclamation to Debra Arbuckle from Out on the Island and the Alameda Lesbian Potluck Society.

Ms. Arbuckle thanked the Council for the proclamation and for the recognition of the Gay and Lesbian citizens.

REGULAR AGENDA ITEM

(05- ) Resolution No. 13846, "Commending Alameda Police Department Officer Frank Damian for His Contributions to the City of Alameda." Adopted.

Mayor Johnson read and presented the Resolution to Officer Frank Damian.

Officer Damian thanked the Council for the Resolution and stated that it has been an honor to serve with such a great department.

The resolution was adopted by consensus - 5.

\*\*\*

Mayor Johnson called a recess at 7:58 p.m. and reconvened the Regular City Council Meeting at 9:55 p.m.

\*\*\*

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05- ) Update on the new main library project.

The Project Manager provided a brief update.

Councilmember Matarrese thanked the Project Manager for ensuring that the project is on time and on budget; stated that it would be nice not to have to draw down on the \$2 million fund redevelopment bond money that has been earmarked for the project.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to accept the City of Alameda Long-Term Park Use Policy [paragraph no. 05- ] and the recommendations regarding Alameda Ferry Services [paragraph no. 05- ] were removed from the Consent Calendar for discussion.

Vice Mayor Gilmore moved approval of the remainder of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are noted by an asterisk preceding the

paragraph number.]

(\*05-\_\_\_\_) Minutes of the Special City Council Meeting held on May 12, 2005; and the Special and Regular City Council Meetings held on May 17, 2005. Approved.

(\*05-\_\_\_\_) Ratified bills in the amount of \$3,017,578.09.

(\*05-\_\_\_\_) Recommendation to authorize the Acting City Manager to execute a temporary Agreement with Alameda County for the exclusive provision of ambulance services by the City of Alameda Fire Department to the City of Alameda. Accepted.

(05-\_\_\_\_) Recommendation to accept the City of Alameda Long-Term Park Use Policy.

Loretta Ferraro, Alameda, requested that there be a provision in the Alameda Municipal Code (AMC) which would allow the Gold Coast Coffee Mobile Espresso owner (proposed vendor) to use a parking space at the Lower Washington Park area and operate his truck in Alameda.

Michael Ferraro, Alameda, urged acceptance of the staff recommendation; stated that there is no ordinance permitting mobile vendors to operate within the City; provided a handout regarding a Recreation and Parks Department public hearing on June 9, 2005.

Councilmember Daysog stated that the Council has been in contact with the proposed vendor and staff has been requested to look into the operational issues.

Susan Potter, Alameda, stated that other trucks are doing business in Alameda without licenses which causes revenues leave the City.

Councilmember Daysog stated that the ordinance allows ice cream trucks to roam through the City; the proposed vendor's request is for parking; inquired whether the Recreation and Park Commission would address the matter.

The Acting City Manager stated that there is an ordinance that addresses mobile vendors; the proposed vendor's request is working its way through the system.

The Assistant City Manager stated that there is a section in the AMC that prohibits rolling stores from using City streets, with the exception of selling fruit, vegetables, packed or labeled ice cream, peanuts or popcorn; the proposed vendor would like to park in the parking lot near the Dog Park and then move from park to

park; there is a Use Permit provision in the Open Space section of the Zoning Code that allows commercial concessionaires; the proposed vendor would need to get permission from the Recreation and Park Commission first in order to get a Use Permit from the Planning Commission to vend from a City park.

Mayor Johnson suggested having a workshop involving the business community and Recreation and Park Commission; stated that there is a significant difference in using a park versus a City street; the possibility of 10 trucks selling coffee in one place needs to be considered.

Councilmember deHaan stated there was a mobile canteen at Alameda Point; it is important to review the whole picture.

Mayor Johnson stated that she was not clear on the recommended policy.

Councilmember Matarrese stated that he does not believe the draft policy is ready for adoption; the policy does not establish or define standards for non-City use, long-term use, construction or renovation, or private uses; concessionaire needs to be defined; stated that he would oppose any private use that is 25% of the total park acreage available; the park application and review process is a procedure and not a policy; procedures and policies need to be kept separate; suggested that the policy be sent back to the Recreation and Park Commission.

Mayor Johnson concurred with Councilmember Matarrese; noted that the statement regarding the Recreation and Park Department's authority to deny non-City uses is unclear; Recreation and Park Commission decisions need to be able to be appealed to the City Council; stated that it was not the Council's intent to have the Recreation and Parks Department have the sole determination to deny non-City uses; the language needs to be changed; the Council did not request a policy that limited any appeal rights or delegation of Council authority.

Vice Mayor Gilmore stated that it appears that the policy was combined with the process and did not follow through on either one completely.

Councilmember deHaan stated there is a need for a policy.

Vice Mayor Gilmore moved that the matter be sent back to the Recreation and Park Commission.

Councilmember Matarrese seconded the motion, which carried by

unanimous voice vote - 5.

Mayor Johnson inquired whether Council was clear on direction regarding the Recreation and Park Commissions review the coffee vendor issue, to which the Acting City Manager responded the Recreation and Park Commission is currently reviewing the matter.

Councilmember deHaan stated it appears that the matter is farther reaching than just the Recreation and Park Commission and could spill over into other activities.

Councilmember Daysog stated there is no need to change the ordinance if the proposed vendor does not want to have a rolling store; the proposed vendor's sole intent to park his truck would be a separate issue.

Mayor Johnson stated the matter would come back to the Council if necessary.

Councilmember Matarrese stated that the Council's intent was to have a policy in place before another request for use of parks was received which might cause some difficulty with the neighbors or the use of the park; stated that he wants the matter to come back to the Council regardless of what the Recreation and Parks Commission determines.

(\*05-\_\_\_\_) Recommendation to approve First Amendment to Agreement with Consolidated Construction Management extending the term, scope of work and price for the New Main Library Project. Accepted.

(\*05-\_\_\_\_) Recommendation to set June 21, 2005 as the hearing date for Delinquent Integrated Waste Management Charges. Accepted.

(05-\_\_\_\_) Recommendations regarding Alameda Ferry Services:

(05-\_\_\_\_ A) Resolution No. 13847 "Applying for Five Percent Unrestricted State Funds and Two Percent Bridge Toll Revenue Funds for Operating Subsidy and Capital Projects for the City of Alameda Ferry Services, and Authorizing the Acting City Manager to Enter into All Agreements Necessary to Secure These Funds." Adopted;

(05-\_\_\_\_ B) Recommendation to authorize the Acting City Manager to execute extension of the Ferry Service Agreement with the Port of Oakland.

(05-\_\_\_\_ C) Recommendation to authorize the Acting City Manager to execute extension of the Blue and Gold Fleet Operating Agreements for the Alameda/Oakland Ferry Services (AOFS) and adopt associated

budget.

Councilmember Matarrese stated that there was a public hearing regarding the Harbor Bay ferry which addressed increasing ridership and marketing services; the public should know that the City is trying to get as much grant money as possible to keep the ferries operating; the ferries need to be in front of the public's eye; encouraged people to take the ferries.

Councilmember deHaan stated the Water Transit Authority (WTA) joined forces with the City in moving forward with publicity; noted the Port of Oakland's \$140,000 contribution is now reduced to \$83,000; there is talk about the Port not contributing at all; noted there would be a major glitch if the contribution amount was not maintained at the current amount or higher.

The Acting City Manager stated the contribution was going to be a budget cut for the Port of Oakland; the Port was persuaded to make a contribution of \$83,325 for the next fiscal year; getting the WTA to take over in the future would solve the problem with the Port of Oakland funding the ferries.

Councilmember DeHaan stated that it appears that the WTA is going forward to establish runs in various directions; inquired whether it was the Council's desire to join forces with the WTA at some point.

The Acting City Manager responded that joining forces with the WTA would be a Council decision; the WTA's first goal is to establish new ferry services; the WTA is starting to look at the Harbor Bay Ferry Service for merchandising and providing some other services to the City.

Councilmember deHaan inquired whether the WTA would have jurisdiction over funds.

Mayor Johnson responded that the WTA is a transit agency and would have access to funding that the City does not have.

The Acting City Manager stated that the WTA has access to Regional Measure 2 Funds which are difficult for the City to access except through the WTA; the City is currently using Regional Measure 1 Funds through the Metropolitan Transportation Commission.

Councilmember deHaan moved adoption of the Resolution and acceptance of the staff recommendations.

Under discussion, Councilmember Daysog stated that the Council

needs to be careful with the WTA taking over the Harbor Bay ferry or any of the ferries; the Blue and Gold ferry, and to some extent the Harbor Bay ferry, are locally controlled; the WTA might decide to have the ferry leave from somewhere else.

Mayor Johnson stated the level of service and location can be negotiated.

On the call for the question, Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(\*05- ) Resolution No. 13848 "Approving the Paratransit Service Plan and Applying for Measure B Paratransit Funding." Adopted.

(\*05- ) Resolution No. 13849 "Authorizing Open Market Purchase from Cogent Systems, Inc., Pursuant to Section 3-15 of the Alameda City Charter, of Cogent Automated Palm/Fingerprint Identification System Upgrade in the Amount of \$37,815." Adopted.

(\*05- ) Resolution No. 13850 "Adopting an Agreement for Participation in Alameda County Operational Area Emergency Management Organization." Adopted.

(\*05- ) Resolution No. 13851 "Designating All Alameda Fire Stations as Receiving Points for Surrendered Babies Under the California State Health and Safety Code Section 1255.7, known as the Safely Surrendered Baby Law." Adopted.

(\*05- ) Resolution No. 13852 "Requesting and Authorizing the County of Alameda to Levy a Tax on All Real and Personal Property in the City of Alameda as a Voter Approved Levy for the General Obligation Bonds Issued Pursuant to a General Election Held November 7, 2000. Adopted.

#### REGULAR AGENDA ITEMS

(05- ) Ordinance No. 2941 "Amending the Alameda Municipal Code to Increase the Composition of the Recreation and Park Commission from Five to Seven Members by Amending Subsections 2-7.2 (Membership; Appointment; Removal), 2-7.3 (Qualification; Voting) of Section 2-7 (City Recreation and Park Commission)." Finally passed.

Councilmember Matarrese moved final passage of the Ordinance.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(05- ) Public Hearing to consider an Appeal of the Historical

Advisory Board's approval of a Landscaping Plan for planting two Coast Live Oak trees on the vacant property at 301 Spruce Street. The submittal of a Landscaping Plan, as part of new development proposals, was required by the Historical Advisory Board as a condition for the removal of one Coast Live Oak tree in 2001; **and adoption of related resolution.** The site is located at 301 Spruce Street within the R-4 Neighborhood Residential Zoning District. Applicant: Bill Wong for Hai Ky Lam. Appellant: Patrick Lynch and Jeanne Nader. **Continued to June 21, 2005.**

(05- ) Resolution No 13853 "Confirming the Business Improvement Area Report for FY 2005-2006 and Levying an Annual Assessment on the Alameda Business Improvement Area of the City of Alameda for FY 2005-2006." Adopted.

Councilmember deHaan moved adoption of the Resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(05- ) Recommendation to accept the Donor Recognition and Names Gifts Policy for the Library.

The Library Director gave a brief presentation.

Mayor Johnson inquired whether the \$30,000 contribution for the mural was reflective of the cost.

The Library Director responded in the affirmative; stated that four or five works of art have been selected for the new Main Library; there is funding for only one.

Councilmember deHaan inquired whether the proposed policy has been patterned after other libraries, to which the Library Director responded in the affirmative.

Councilmember deHaan commended the Library Director's ingenuity; inquired whether plaques would be placed in appropriate spots reflecting the donation.

The Library Director responded there would be a donor wall; individuals who donate \$5,000 over their lifetime would be recognized on the donor wall; rooms and pieces of furniture would also be recognized; areas of the library will be built without donations; donations can specifically name and honor the donor in a particular area of the Library.

Mayor Johnson inquired who would decide on the wording and size of



the plaques.

The Library Director responded that there would be different sizes for different donation levels; the donor and the Foundation will work together to finalize wording and ensure appropriateness.

Mayor Johnson stated the size and approved wording should be established; inquired whether there would be a provision to not accept a donation.

The Library Director stated that the final bullet in Exhibit A of the staff report states that final approval rests with the City Council; inquired whether the Council would like to review the policy again.

Mayor Johnson responded that the Council would like to review the policy when the finer details are in place.

The Library Director stated that the named gift list is not final.

Councilmember Daysog stated that the Council may want to move slower and get more public input.

The Library Director stated that there has been a public process.

Councilmember Daysog stated the Library is public space and almost becomes a quazi-privatized space with all the donation recognition markings; it is important to have balance.

Councilmember Matarrese stated the criteria regarding the ability to refuse a contribution, prohibiting corporate logos, and appropriate recognition should be spelled out.

Mayor Johnson stated criteria for appropriate wording should also be included.

The Library Director stated some suggested wording could be "Gift from" or "In honor of."

Mayor Johnson inquired whether a wall recognition was considered instead of plaques on objects throughout the Library.

The Library Director responded the wall recognition was also intended.

Mayor Johnson inquired whether it was necessary to have both the wall recognition and the plaques, to which the Library Director responded that having both is usual.

Councilmember deHann stated the Council is concerned with positioning too many plaques through various areas of the Library; inquired whether the donor plaque recognition would be replicated on the wall.

The Library Director responded that any donor who gives \$5,000 or more would be recognized on the donor wall; noted the Library Foundation has begun to schedule meetings with donors.

Mayor Johnson stated she likes the idea of the large item and area recognition; inquired whether fund raising efforts would be impacted.

The Library Director responded that having recognition for large items and areas might be an incentive.

Councilmember Daysog stated that the Council should get clarification on the legal issues of refusing a contribution.

The City Attorney stated that any reasonable rules can be imposed; the City cannot say no for the wrong reasons; parameters can be drafted.

Councilmember Matarrese stated that he agrees with the concept and framework of the policy; inquired when the policy defining the criteria to refuse a contribution and appropriate recognition would come back to Council, to which the Library Director responded that she would hope the policy could come back at a City Council meeting in July.

Councilmember DeHaan stated how the plaque would read is important.

Mayor Johnson stated she would like to have a recognition wall only as long as there would be no fundraising impact; suggested looking into what other libraries and public buildings have done.

The Library Director stated it was not unusual to place names on shelves.

(05- ) Recommendation to accept the Webster District Strategic Plan Report.

Councilmember deHaan stated that having a grocery store as a key anchor was not possible; inquired whether parking is being proposed.

The Business Development Division Manager responded she is talking

to an owner.

Councilmember deHaan stated parking accommodations are all important for any business and retail area.

Councilmember Daysog encouraged doing an analysis on the demand for parking spaces.

The Business Development Division Manager stated that the report addresses the need to review parking in the entire area; when new businesses try to existing buildings to a new use, meeting the parking requirements is difficult; there is a need to look at a parking policy for the area which would met the parking demand.

Councilmember Daysog stated that quantifying is important; there are pros and cons; some neighbors might not want parking structures while businesses would.

Councilmember deHaan stated the Council gave direction to purchase an existing parking area that was previously rented.

Sherri Stieg, West Alameda Business Association (WABA), expressed her appreciation for the support that WABA has received from the Council and City staff; stated WABA supports the goals of the Strategic Plan and urges implementation as soon as possible; WABA does not want the Plan to close off viewpoints for other opportunities; the funding for Goal #5 [Small Business Assistant Program] has been eliminated because of reduced funding; there is continued funding for the Façade Grant Program and some funding for a recruiter; noted the analysis of opportunity sites was limited to vacant land on Webster Street; there are other opportunities; WABA will address the need for long- and short-term parking solutions; stated she receives daily calls regarding parking issues; parking will bring in additional business.

Councilmember deHaan moved approval of the staff recommendation.

Vice Mayor Gilmore seconded the motion, which passed by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

(05- ) The following speakers spoke in opposition to the proposed theatre multiplex and parking structure: Deborah Overgfield, Alameda; Jay Levine, Alameda; Robert Gavrich, Alameda; Richland Tester, Alameda; Jennifer Van Airdale, Alameda (submitted letter); Griff Neal, Alameda; Ani Dimusheva, Alameda; Kevin Fredrick, Alameda; Valerie Ruma, Alameda; Carl Minns (submitted letter); and

Pat Bail, Alameda.

(05-\_\_\_\_) Wilbur Richards, Alameda, acknowledged the Council for tightening belts throughout the budget process; stated that damaged branches or tree fungus maintenance cannot be deferred.

(05-\_\_\_\_) Albert Ortega, Alameda, stated that his loan for the Alameda Bayport Housing Lottery Program was denied because of the loan type; a letter sent by Alameda Development Corporation to the City never stated that any loan type would not be allowed.

Mayor Johnson inquired why Mr. Ortega's loan was rejected.

Mr. Ortega responded that his second loan was interest only and was deemed to be damaging to the housing program; the City Attorney advised him that the loan type violated State of California Redevelopment Law.

The Acting City Manager stated that the City Attorney advised Mr. Ortega that if one person was granted an interest only loan then everyone else would need to be treated the same; the risk was deemed not acceptable for the agency; Mr. Ortega was advised that interest only loans would not be accepted because of the risk.

Mayor Johnson inquired whether it would be possible for the Alameda Development Corporation to develop some information to provide potential buyers.

The Acting City Manager stated that a report would be provided to Council.

(05-\_\_\_\_) Richard Neveln, Alameda, stated that public transit is still a problem in Alameda; parking is allowed at bus stops; temporary bus stops should be fixed to allow accessibility.

(05-\_\_\_\_) Michael Ferraro, Alameda, stated that the proposed coffee vendor [who would like to park near City parks] is seeking a working permit for the whole City; he is not proposing to do business within the Park Street or Webster Street areas; stated Mr. Siden, East Bay Regional Park District, suggested seeing if there was a way the proposed vendor could have access to the park for his business.

(05-\_\_\_\_) Sherri Stieg, WABA, stated that the Grand Opening of the Webster Street Farmers Market will be Thursday from 4:00 p.m. to 8:00 p.m.; Friday night will be the first of the Concerts at the Cove; the third Thursdays of the month will offer a variety of

festivities; encouraged everyone to attend.

(05-\_\_\_\_)Robb Ratto, Park Street Business Association, stated there is a misconception that the Park Street streetscape is being done to eliminate parking in order to create a need for the parking structure; two parking spaces have been lost on Santa Clara Avenue because of the new bus plaza and one parking space has been lost in front of Bonniere Bakery on Park Street; stated he spoke in favor of the original Exclusive Negotiating Agreement for the theatre four years ago; a Request for Proposal was sent out and no one ever came forward with any plans.

Vice Mayor Gilmore moved approval of addressing the Council Communications items past midnight.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

#### COUNCIL COMMUNICATIONS

(05-\_\_\_\_)Discussion regarding City of Alameda Management Practice #37: Staff-Council Communication Policy.

Mayor Johnson stated that an informational library is being compiled which would allow Council to have access to information at one location at City Hall; she feels that Alameda Management Practice #37 is more restrictive than what the Charter provides; the Practice should be reviewed and either revoked or replaced.

Councilmember Matarrese concurred with Mayor Johnson.

Councilmember Daysog stated that issues that led to past discussions on the matter should be discussed when brought back to Council.

Vice Mayor Gilmore stated that everyone seems to agree to place the matter on the agenda.

(05-\_\_\_\_)Consideration of Mayor's nomination for appointment to the Public Utilities Board.

Mayor Johnson nominated Peter W. Holmes and John R. McCahan.

(05-\_\_\_\_)Councilmember Matarrese requested an update on the Bridgeside Center; stated there were previous discussions regarding the Video Station's ability to either occupy a space at the Center and the possibility having a Blockbuster; requested an update on when construction would start and the leasing mix.

(05-\_\_\_\_) Councilmember deHaan requested staff to review how existing transit operations, such as paratransit and Kid's Coach services, could provide inter-Alameda transportation intertwining with Alameda Point.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 12:04 p.m.

Respectfully Submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

**UNAPPROVED MINUTES**  
MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY - - - JUNE 14, 2005 - - - 5:30 P.M.

Acting Mayor Gilmore convened the Special Meeting at 5:40 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese, and Mayor Johnson - 5.

**Note: Mayor Johnson was present via teleconference from The Hilton, 720 S. Michigan Avenue, Chicago, IL, 60605.**

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05- ) Public Employment; Title: City Manager.

Following the Closed Session, the Special Meeting was reconvened and Acting Mayor Gilmore announced that the Council discussed public employment of the City Manager.

Adjournment

There being no further business, Acting Mayor Gilmore adjourned the Special Meeting at 8:10 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The Agenda for this meeting was posted in accordance with the Brown Act.

June 16, 2005

Honorable Mayor and Councilmembers:

This is to certify that the claims listed on the check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

<u>Check Numbers</u>	<u>Amount</u>
137197 - 137702	2,453,735.57
E13586 - E13699	69,034.86
EFT 118	389,124.94
EFT 119	33,250.00

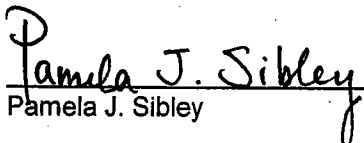
Void Checks:

134935	(200.00)
137135	(310.10)

GRAND TOTAL

2,944,635.27

Respectfully submitted,

  
Pamela J. Sibley

Council Warrants 06/21/2005

BILLS #4-B  
06/21/05



# CITY OF ALAMEDA

## Memorandum

Date: June 9, 2005

To: Honorable Mayor and Councilmembers

From: Lara Weisiger, City Clerk

Re: Award of Contract for Legal Advertising for Fiscal Year 2005-06

### **Background**

The City Charter requires the City Council to annually award a contract for publication of all legal advertising of the City to the responsible bidder who submits the lowest and best bid. The newspaper published by the successful bidder is known as the Official Newspaper of the City.

At the Regular Council Meeting held on May 3, 2005, Council authorized the City Clerk to advertise for bids for legal advertising.

### **Discussion/Analysis**

Bids were due in the Office of the City Clerk on May 25, 2005. Bid results were as follows:

<u>Newspaper</u>	<u>Rate Per Column Inch</u>		
	1 <sup>st</sup> insertion	2 <sup>nd</sup> insertion	3 <sup>rd</sup> & subsequent insertion
Alameda Journal	\$3.36	\$3.22	\$3.22
Alameda Times Star	\$9.30	\$9.30	\$9.30

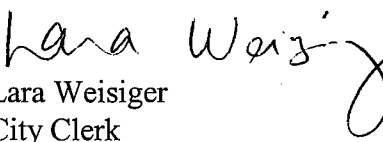
### **Budget Consideration**

Budget appropriations for legal advertising are approved by the City Council during the budget process. The City Clerk and Planning and Building Department spend approximately \$9,000 annually for legal notices.

### **Recommendation**

It is recommended that the Legal Advertising Contract (attached) for Fiscal Year 2005-06 be awarded to the Alameda Journal.

Respectfully submitted,

  
Lara Weisiger  
City Clerk

Attachment – 1 (Contract)

## AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of June, 2005, by and between the CITY OF ALAMEDA, a municipal corporation of the State of California, hereinafter called the City, and the ALAMEDA JOURNAL, a published daily newspaper, hereinafter called Publisher,

WITNESSETH:

WHEREAS, the Alameda Journal submitted its bid, in writing, for the publication, of all legal advertising of the City for the period ending June 30, 2006, whereupon the Council of said City, on the 21<sup>st</sup> day of June 2005, duly accepted said bid and awarded the contract for such legal advertising to said Publisher;

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. Publisher agrees that during that fiscal year the said Alameda Journal shall be maintained as a newspaper of general circulation as that term is defined in Title I, Division 7, Chapter 1, Article 1, of the Government Code of the State of California.

2. Publisher, hereby agrees to publish and advertise in said Alameda Journal, for and during the period from July 1, 2005 and ending June 30, 2006, such legal advertisements and notices and such other matters as the Council and other officers of the City deliver to Publisher for publication.

Said Publisher further agrees that it will make all of such publications in the manner and form required by law and that on the completion of publication it will promptly file with the City Clerk an affidavit of publication as required by law.

Said advertising shall be in accordance with the following specifications:

All advertisements shall be set in six-point capitals, except that by request of the officer authorizing the same such advertisement may be set in such larger type and with such spacing between lines as such officer may direct.

Title and sub-heading shall be set in six-point type or in such larger type as may be specified by the officer authorizing the advertisement.

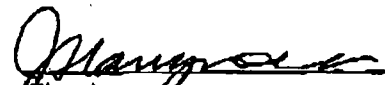
In consideration of the faithful performance by the Publisher of the agreements hereinabove set forth, the City hereby agrees to pay for said advertising and publication at the following rates, to wit:

authority heretofore given by its City Council.

CITY OF ALAMEDA, a municipal  
corporation,

By \_\_\_\_\_  
City Manager

Approved as to form

  
City Attorney

ALAMEDA JOURNAL

By 

# CITY OF ALAMEDA

## MEMORANDUM

Date: June 8, 2005

To: Honorable Mayor and  
Councilmembers

From: William C. Norton  
Acting City Manager

Re: Recommendation to Amend the Construction Contract with Golden Bay Construction Inc. for the Webster Renaissance Project, No. P.W. 07-02-07 in the Amount of \$50,000 Using Community Development Block Grant (CDBG) Funds for the Purchase and Installation of Bus Shelters

---

### BACKGROUND

On September 7, 2004, the City of Alameda awarded a construction contract to Golden Bay Construction, Inc. (Golden Bay), in the total amount of \$2,086,410, including contingencies, for the Webster Renaissance Project (from Central Avenue to Pacific Avenue). Subsequently, Council approved additional amendments to the contract to allow for the construction of full sidewalk replacement and to enable Alameda P&T to install additional cable television cable and power conduits with the sidewalk replacement. The project is funded by a grant from the Metropolitan Transportation Commission (MTC), Alameda P&T, and the City of Alameda Community Improvement Commission (CIC).

The project consists of constructing curb and sidewalk extensions for six (6) transit plazas and pedestrian amenity plazas, adding new architectural lighting, providing new trees and landscaping, installing a new irrigation system, street furnishing, installing storm drains and structures, and placement of underground conduits for future utility extension. Each transit shelter has been designed to accommodate a bus shelter; however, due to funding constraints, the original contract authorized by Council did not include bus shelters. The City received an add-alternate bid from Golden Bay for the purchase and installation of the shelters in anticipation of finding additional funding for this element of the project.

*Dedicated to Excellence, Committed to Service*

### DISCUSSION/ANALYSIS

A new funding source, Community Development Block Grant (CDBG) funds, is now available to acquire and install the six (6) shelters. In Alameda, all CDBG-funded activities are used according to the national objectives for the program to:

- benefit low- and moderate-income persons,
- prevent or eliminate slums or blight, or
- meet a community development need having a particular urgency due to existing conditions posing a serious and immediate threat to the health or welfare of the community.

The FY 2005-06 CDBG Action Plan, approved by City Council on April 19, 2005, included an authorization of \$50,000 in CDBG funds for the installation of ADA-compliant bus shelters, designed with input from the Commission for Disability Issues. When these shelters are installed within the Webster Renaissance Project area, they will serve Alameda's low-income residential neighborhoods.

The shelter design was developed with assistance from the West Alameda Business Association (WABA) Design Committee working with BMS Design Group, the landscape architectural firm guiding the Webster Renaissance Project since its inception. When the bus shelters are delivered to the construction site, they will be "field-located" by BMS Design Group representatives working with WABA, the on-street business and City staff.

Since this work is not currently in the contract with Golden Bay, the City will need to issue a change order to install the bus shelters and increase the contract authorization by \$50,000 to pay for the work.

### BUDGET CONSIDERATION/FISCAL IMPACT

The FY 2005-06 CDBG Action Plan, approved by City Council on April 19, 2005, included an authorization of \$50,000 in CDBG funds for the installation of ADA-compliant bus shelters.

### MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This project is consistent with the Economic Development Specific Plan and the General Plan.

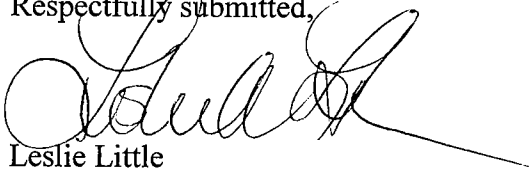
Honorable Mayor and  
Councilmembers

Page 3  
June 8, 2005

RECOMMENDATION

The Acting City Manager recommends that the City Council, by motion, amend the construction contract with Golden Bay Construction, Inc., for the Webster Renaissance Project, No. P.W. 07-02-07, in the amount of \$50,000 using Community Development Block Grant (CDBG) Funds for the purchase and installation of bus shelters.

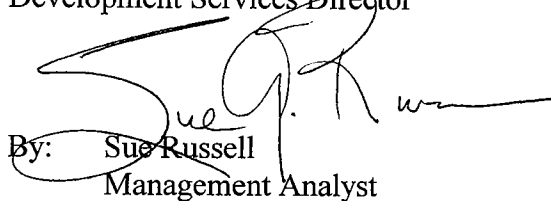
Respectfully submitted,



Leslie Little  
Development Services Director



Matthew T. Naclerio  
Public Works Director



By: Sue Russell  
Management Analyst

MTN:SR:gc

cc: WABA

Golden Bay Construction, Inc.

Sally Kueh, Finance

G:\PUBWORKS\pwadmin\COUNCIL\2005\062105\webster bus shelters.doc

*Dedicated to Excellence, Committed to Service*

# CITY OF ALAMEDA

## MEMORANDUM

Date: June 15, 2005

To: Honorable Mayor and  
Councilmembers

From: William Norton  
Acting City Manager

Re: Adoption of Resolution Recommending the Inclusion of Projects in the Alameda  
Countywide Bicycle Plan

---

### BACKGROUND

The Alameda County Congestion Management Agency (CMA) completed the Alameda Countywide Bicycle Plan in 2001. The CMA is about to begin updating this plan, and is seeking input from cities regarding facilities that should be included in the updated plan.

### DISCUSSION/ANALYSIS

The CMA oversees several significant sources of funding for bicycle projects. One of the criterion a proposed project must meet to be eligible for grant funds is inclusion in the Countywide Bicycle Plan. In addition, a project receives extra consideration if it is included on the list of the plan's priority projects.

There were several projects located in the City of Alameda that were included in the Countywide Bicycle Plan. The City's Bay Trail projects were excluded because Alameda routes were not considered to be of countywide significance, although the Bay Trail was recommended as a high priority project in all other jurisdictions in Alameda County. The City has been seeking funding for several Bay Trail projects, including the Cross Alameda Trail and the path behind Paden Elementary School, so inclusion in the Countywide Bicycle Plan could enhance the City's chances to access needed funds.

The update of the City's Bicycle Master Plan (BMP) is under way as part of the Transportation Master Plan (TMP) process. However, the update is not due to be completed until October 2005, and CMA staff has indicated that any recommendations to the Countywide Bicycle Plan must be submitted by June for consideration. CMA staff recommends that a resolution adopted by City Council be provided to show City support for these projects.

The Transportation Commission's (TC) BMP Subcommittee met with members of the public, including representatives of Bike Alameda, and Public Works staff, to develop a recommended list of projects for inclusion in the Countywide Bicycle Plan. This list was presented to the TC on April 27, 2005 and the TC unanimously voted to forward these recommendations to the City

*Dedicated to Excellence, Committed to Service*

Council for approval. The recommended projects include paths, bike lanes, and bike routes, depending on the particular segment. The projects are as follows:

- 1) Feasibility study and capital costs for a bicycle/pedestrian estuary crossing from Alameda's west end to Oakland (see attached description from current Countywide Bicycle Plan);
- 2) Complete all segments of the Bay Trail located in the City of Alameda;
- 3) Completion of a cross-city bikeway through central Alameda, including the following segments: along Main Street from the Main Street ferry terminal to Pacific Avenue, along Central Avenue from Pacific Avenue to Fernside Boulevard, along Fernside Boulevard to the Bay Farm Island Bike Bridge, the bridge itself, and along Doolittle Drive from the Bay Farm Island Bike Bridge to the City's border with Oakland;
- 4) Completion of Bay Farm/Harbor Bay bikeways as follows: along Island Drive from Doolittle Drive to Mecartney Road, along Mecartney Road from Island Drive to the Harbor Bay ferry terminal.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no impact on the City's General Fund.

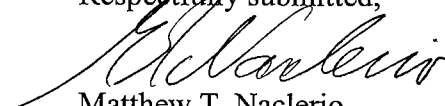
#### MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed projects are consistent with the Transportation Element of the General Plan.

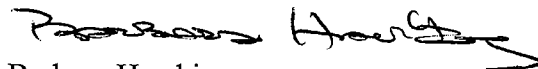
#### RECOMMENDATION

It is recommended that the City Council, by resolution, support the inclusion of the projects described above in the Alameda Countywide Bicycle Plan.

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director



By: Barbara Hawkins  
Supervising Civil Engineer

MTN:BH:gc

Attachment

G:\PUBWORKS\pwadmin\COUNCIL\2005\062105\cobikeplan - Final.doc

*Dedicated to Excellence, Committed to Service*



**Project 51 – Oakland–Alameda Connection –Corridor Route 15:  
from Constitution Way, Alameda to Bay Trail – Jack London Square**

HIGH PRIORITY PROJECTS

**Jurisdictions:** Alameda and Oakland

**Description:** This project is currently undefined but would close the gap between the island of Alameda and Oakland in the vicinity of Jack London Square and the Webster and Posey tubes. A placeholder amount of \$4.2 million dollars has been estimated for the capital costs associated with this project. Operational and maintenance costs must also be identified for this project. In this particular corridor, the estuary is currently a formidable, virtually insurmountable barrier for pedestrians and bicyclists. However, the latent demand for such travel between the two cities due to the proximity of downtown Oakland, Jack London Square, BART, the College of Alameda and Laney College is considerable. The current link for bicyclists and pedestrians is a narrow and hazardous sidewalk within one of the existing tubes. Constructing a third tube or widening one of the existing tubes for bicyclists and pedestrians appears to be financially and physically infeasible due to activities at the Port of Oakland and other structures. The existing link, even if widening were feasible, would remain a health hazard not to mention unappealing to non-motorized users due to the conditions of the dark, exhaust-filled tunnel.

A bridge (either pivot or drawbridge) could provide an efficient link for bicyclists and pedestrians. However the costs, including operations and maintenance, associated with this concept appear to pose a serious constraint. Additionally, ship traffic at the Port of Oakland, which is projected to increase, would pose a considerable constraint for a bridge sited in proximity to the existing tube.



The most attainable short term solution would incorporate a consistently scheduled water taxi/ferry with reasonable fares servicing recreational and commuter pedestrian and cyclists.

**Next Steps:** A task force should be established to identify long-term options that warrant further consideration and address operations and maintenance issues. The task force could review the bridge concept, as well as future technologies that could reduce the costs and increase the feasibility of constructing another tube (intended for bicycle, pedestrian and transit use), as possible options.

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

RECOMMENDING THE INCLUSION OF PROJECTS IN THE ALAMEDA  
COUNTYWIDE BICYCLE PLAN

WHEREAS, enhancing the City's bicycle infrastructure through a combination of paths, bike lanes, and bike routes will provide encouragement for bicycling and safer facilities; and

WHEREAS, the Alameda County Congestion Management Agency (CMA) is undertaking an update of the Alameda Countywide Bicycle Plan; and

WHEREAS, inclusion in the countywide bicycle plan will enhance the City's access to funding opportunities for these projects; and

WHEREAS, the following proposed bicycle facilities in the City that would provide connections to destination points of countywide significance:

- 1) Feasibility study and capital costs for a bicycle/pedestrian estuary crossing from Alameda's west end to Oakland;
- 2) Complete all segments of the Bay Trail located in the City of Alameda;
- 3) Completion of a cross-city bikeway through central Alameda, including the following segments: Along Main Street from the Main Street ferry terminal to Pacific Avenue, along Central Avenue from Pacific Avenue to Fernside Boulevard, along Fernside Boulevard to the Bay Farm Island Bike Bridge, the bridge itself, and along Doolittle Drive from the Bay Farm Island Bike Bridge to the City's border with Oakland;
- 4) Completion of Bay Farm/Harbor Bay bikeways as follows:  
Along Island Drive from Doolittle Drive to Mecartney Road, along Mecartney Road from Island Drive to the Harbor Bay ferry terminal.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda recommends that the CMA include the projects described above in the Alameda Countywide Bicycle Plan.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

APPOINTING PETER W. HOLMES AS A MEMBER OF THE  
PUBLIC UTILITIES BOARD

BE IT RESOLVED by the Council of the City of Alameda that pursuant to the provisions of Article X of the Charter of the City of Alameda, and upon nomination of the Mayor, PETER W. HOLMES is hereby appointed to the office of member of the Public Utilities Board of the City of Alameda to fill the unexpired term of Karin Lucas for the term commencing on June 21, 2005 and expiring on June 30, 2008, and to serve until his successor is appointed and qualified.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the day of \_\_\_\_\_, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City Clerk

**Resolution #5-A  
6-21-05**

Approved as to Form

CITY ATTORNEY

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

APPOINTING JOHN R. McCAHAN AS A MEMBER OF THE  
PUBLIC UTILITIES BOARD

BE IT RESOLVED by the Council of the City of Alameda that pursuant to the provisions of Article X of the Charter of the City of Alameda, and upon nomination of the Mayor, JOHN R. McCAHAN is hereby appointed to the office of member of the Public Utilities Board of the City of Alameda for the term commencing July 1, 2005, and expiring on June 30, 2009, and to serve until his successor is appointed and is qualified.

\* \* \* \* \*

I, the undersigned hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2005 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

**Resolution #5-A  
6-21-05**

Approved as to Form

CITY ATTORNEY

# **CITY OF ALAMEDA**

## **MEMORANDUM**

**DATE:** June 7, 2005

**TO:** Honorable Mayor and  
Councilmembers

**FROM:** William C. Norton  
Acting City Manager

**RE:** Introduction of Ordinance Amending Section 30-65 of the Alameda Municipal Code: Public Art in New Commercial , Industrial, Residential, and Municipal Construction in Chapter XXX (Development Regulations)

### **BACKGROUND**

On March 4, 2003 the City Council adopted an ordinance that created the Alameda Public Art Program.

It is requested that the Council consider amending the ordinance in order to change the name of the Public Art Advisory Committee to the Public Art Commission. It is also requested that the ordinance be amended so that the Public Art Commission reports directly to the City Council instead of to the Recreation and Park Commission.

### **DISCUSSION/ANALYSIS**

The intent of the City of Alameda Public Art Program is to promote a diverse and stimulating cultural environment to enrich the lives of the City's residents and visitors, and contribute to the vitality of the City's economic development. Public art will be included in private and public development projects to insure the positive impacts of development without diminishing public resources. The program seeks to provide art that is easily accessible to the general community throughout the City and is dependent on public-private cooperation between the City, artists, and the applicant.

As described in the Alameda Municipal Code, the Public Art Advisory Committee advises the Recreation and Park Commission and City staff on applications for the installation of Public Art, the selection of Public Art, and matters pertaining to the quality, quantity, scope and style of art in public places. The Committee also makes recommendations to the Recreation and Park Commission regarding an annual Public Art Plan. Currently, the Recreation and Park Commission has the authority to approve or deny an application for placing public art on private property. The Commission can also make recommendations regarding possible changes, modifications or additions to the application proposal.

Amending the Alameda Municipal Code (AMC) as recommended would perform the following actions:

1. Change the name of the Public Art Advisory Committee to the Public Art Commission. Currently, the Committee serves as an advisory body to the Recreation and Park Commission.
2. Transfer the responsibility for approving or denying applications for the placement of public art from the Recreation and Park Commission to the Public Art Commission. The applicant would retain the right to appeal the decision to the City Council.
3. Transfer the responsibility for staffing the Public Art Program from the Recreation & Park Department to the Planning & Building Department. Recent management work force reductions in the Recreation and Park Department have restricted the department's ability to staff the Public Art Program. In addition, the Planning & Building Department has regular interaction with development applicants. This interaction will enable the City to provide information to development applicants regarding public art requirements earlier in the application process.

The Recreation and Park Commission approved the concept of having the Public Art Advisory Committee become a stand alone Commission reporting directly to the City Council during the Recreation and Park Commission Meeting on May 12, 2005.

#### **BUDGET CONSIDERATION/FINANCIAL IMPACT**

None. Costs related to the staffing of the Public Art Program are recouped through fees that are generated by the program.

#### **MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE**

Introduction of this ordinance amends sections 30-65.3 – 30.65.11 of the Alameda Municipal Code.

#### **RECOMMENDATION**

The Acting City Manager recommends introduction of ordinance to amend Section 30 65 of the Alameda Municipal Code: Public Art in New Commercial, Industrial, Residential, and Municipal Construction in Chapter XXX (Development Regulations).

Respectfully submitted,

William C. Norton  
Acting City Manager

By: 

Dale Lillard, Acting Director  
Recreation and Park Department

WCN:DL:CJ:bf

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_  
New Series

Approved as to Form  
*[Signature]*  
CITY ATTORNEY

AMENDING THE ALAMEDA MUNICIPAL CODE TO CHANGE THE NAME OF THE PUBLIC ART ADVISORY COMMITTEE TO PUBLIC ART COMMISSION, TRANSFER REPORTING FROM RECREATION & PARK COMMISSION TO CITY COUNCIL, AND TRANSFER STAFFING FROM THE RECREATION & PARK DEPARTMENT TO THE PLANNING & BUILDING DEPARTMENT BY AMENDING SUBSECTIONS 30-65.3 (CONTRIBUTION REQUIREMENTS), 30-65.4 (PUBLIC ART), 30-65.5 (ALAMEDA PUBLIC ART FUND), 30-65.7 (PUBLIC ART ADVISORY COMMITTEE), 30-65.8 (APPLICATION AND APPROVAL PROCEDURES FOR PLACING PUBLIC ART ON PRIVATE PROPERTY), 30-65.10 (GUIDELINES FOR APPROVAL), AND 30-65.11 (APPEAL TO THE CITY COUNCIL) OF SECTION 30-65 (PUBLIC ART IN NEW COMMERCIAL, INDUSTRIAL, RESIDENTIAL AND MUNICIPAL CONSTRUCTION)

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. Subsection 30-65.3(f) is hereby amended to read as follows:

f. Subject to the approval of the Public Art Commission, an owner or developer may incorporate into the development Public Art that has a value lower than the Program Allocation and pay a Public Art In-Lieu Contribution to the Public Art Fund for the balance of the Program Allocation.

Section 2. Subsection 30-65.4(b)(vii) is hereby amended to read as follows:

(vii) Any other form of cultural program determined by the Public Art Commission to satisfy the intent of this section.

Section 3. Subsection 30-65.5(d) is hereby amended to read as follows:

d. The Public Art Commission shall present annually to the City Council for approval a Public Art Plan that recommends the use of Alameda Public Art Fund monies consistent with the purpose of this Section. The Public Art Plan shall be administered by the Planning & Building Department.

Section 4. Section 30-65.7 is hereby amended to read as follows:

**30-65.7 Public Art Commission.**

- a. There is hereby established a Public Art Commission that shall consist of five members appointed by the City Council, who are knowledgeable about contemporary visual public art, and capable of engaging effectively in a jury process.



- b. Membership, term of office, and removal of the members of the Public Art Commission shall be set by City Council Resolution.
- c. The Commission shall make decisions regarding applications for the installation of Public Art, the selection of Public Art, and matters pertaining to the quality, quantity, scope and style of art in public places.
- d. The Commission shall make recommendations to the Council regarding the Public Art Plan.
- e. The Commission shall assist private property owners, as requested, regarding the selection and installation of Public Art.
- f. The Commission shall review and promote City inventory of meritorious Public Art in public view.

Section 5. Section 30-65.8 is hereby amended as follows:

**30-65.8 Application and Approval Procedures for Placing Public Art on Private Property.**

- a. An application for the installation of Public Art on private property shall be submitted to the Planning & Building Department on forms furnished for that purpose and shall include the following information, as applicable:
  - (i) Landscape and site plans indicating the location and orientation if the Public Art and the landscaping and architectural treatment integrating the piece into the overall project design;
  - (ii) A sample, model, photograph or drawings of the proposed Public Art;
  - (iii) Material samples and finishes if appropriate;
  - (iv) A resume of the proposed artist;
  - (v) Slides and/or photographs of the proposed artist's past Public Art, which demonstrates like Public Art to the proposal;
  - (vi) A written statement by the artist describing any theme or development of the Public Art, as well as a discussion of the manner in which the proposed Public Art meets the Guidelines described in section 30-65.10, and the manner in which the Public Art will be displayed in an area that is visible from a public right-of-way or public property; or, if an on-site cultural program or art space or cultural facility, the means by which the public will gain access to such programs, spaces, or facilities.
  - (vii) A written statement by the artist declaring the valuation of the Public Art.
  - (viii) A maintenance plan for the Public Art.
  - (ix) Any such additional information or material as may be required by the Planning & Building Director, or designee.
- b. The application submitted pursuant to subparagraph (a) shall be referred to the Planning & Building Director or his/her designee for preliminary review to determine whether the application is complete. The completed application

along with the recommendation of staff and/or consultants shall be forwarded to the Public Art Commission for review and decision.

- c. The Public Art Commission shall review the permit application within sixty (60) days of receipt of a complete application. The Public Art Commission may make recommendations regarding possible changes, modifications or additions to the proposal. Fourteen (14) days' prior written notice shall be provided to the applicant of the time and place of the meeting at which the application will be considered.
- d. The Public Art Commission shall approve or deny the application in accordance with the Guidelines for Approval referenced in section 30-65.10. The Public Art Commission may conditionally approve an application subject to such conditions that the Public Art Commission deems reasonably necessary to conform the Public Art Guidelines for Approval.
- e. Failure of the Public Art Commission to act on an application and to notify the applicant within seventy-five (75) calendar days of receipt of a complete application, or such extended period as may be mutually agreed upon by the applicant and the Public Art Commission, shall be deemed a denial of such application.
- f. The application required by this section shall be made, approval obtained and the Public Art installed prior to final building inspection or issuance of approval of a certificate of occupancy for the new construction. If installation prior to the date of occupancy is impracticable, as determined by the Planning and Building Director or his/her designee, a certificate of occupancy may be approved for the building or portion thereof if the application submitted pursuant to this section has been approved, the applicant has executed a written agreement with the City to install the Public Art, and the applicant has filed security in an amount and form acceptable to the City Attorney to guarantee installation of the Public Art.
- g. The property owner shall maintain, or cause to be maintained, in good condition the Public Art continuously after its installation and shall perform necessary repairs and maintenance to the satisfaction of the City. The maintenance obligations of the property owner shall be contained in the covenant and recorded against the property by the applicant. Should the property owner wish to remove the Public Art, the City must be notified in advance. The property owner shall replace the Public Art with Public Art of equal or greater value, and consistent with the California Preservation of Works of Art Act and the Federal Visual Artists' Rights Act and any other relevant law.

Section 6. Subsection 30-65.10(a) is hereby amended to read as follows:

- a. Guidelines for approval and maintenance of Public Art ("Guidelines for Approval") shall be adopted by the City Council, upon recommendation from the Public Art Commission. Guidelines shall be adopted within sixty (60) days of the Ordinance codified in this Chapter.

Section 7. Section 30-65.11 is hereby amended to read as follows:

**30-65.11 Appeal to the City Council.**

Any final decision of the Public Art Commission may be appealed to the City Council within ten (10) calendar days following the decision of the Public Art Commission. Said appeal shall explain the grounds for the appeal in writing.

Section 8. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

\_\_\_\_\_  
Presiding Officer of the Council

Attest:

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

## **CITY OF ALAMEDA**

### Memorandum

To: Honorable Mayor and  
Councilmembers

From: William C. Norton  
Acting City Manager

Date: June 14, 2005

Re: Public Hearing to consider an Appeal of the Historical Advisory Board's approval of a Landscaping Plan for planting two Coast Live Oak trees on the vacant property at 301 Spruce Street. The submittal of a Landscaping Plan, as part of new development proposals on the site, was required by the Historical Advisory Board as a condition for the removal of one Coast Live Oak tree in 2001. The site is located at 301 Spruce Street within the R-4, Neighborhood Residential Zoning District. Applicant: Bill Wong for Hai Ky Lam/Appellant: Patrick Lynch and Jeanne Nader.

---

### BACKGROUND

This item regards an appeal of the Historical Advisory Board's approval of a landscaping plan to plant two Coast Live Oaks on the vacant parcel at 301 Spruce Street. The appellants are immediate neighbors Jeanne Nader and Patrick Lynch of 305 Spruce Street.

The City Council first heard the appeal on May 17 and, having considered public testimony, requested the following of the applicant: 1) the applicants must conduct a soils test on fill material that was brought to the site in 2002; 2) the applicants must have the arborist determine whether damage was done to the existing Oak trees by recent site cleaning activities; and 3) the applicants must have the arborist advise on how to protect the trees during construction of the single family dwelling. All of these items were completed by the applicant and are discussed below.

At the May 17 hearing, Council also asked staff to: 1) report on code enforcement activity at the site and 2) provide conditions in the resolution which would require the applicants to enter into a landscape maintenance agreement (to be recorded with the County) and post a bond to ensure that the trees will be protected as a condition of the design review approval for the single family dwelling. Staff has completed these items which are further

*Dedicated to Excellence, Committed to Service*

**Re: Public Hearing and  
Reso 5-C  
6-21-05**

discussed below.

## DISCUSSION

Soils Test: The applicants hired Wallace Laboratories to perform the soils test. (See Attachment 1.) The results of the soils test show that the fill is non-toxic and the mineral contents are within State environmental health standards. The test results also identified the soil as having proper fertility for plant growth, which will be beneficial to the existing and proposed oak trees.

Arborist Report re: alleged tree damage: At the May 17 hearing, the appellants expressed concern that the roots of one oak tree were damaged and that the unidentified fill material on the site was disturbed as a result of the owner's use of a "Bobcat" front loader on the property during recent site cleaning activities. It should be noted that the applicants engaged in site cleaning activities at the request of code enforcement to abate weeds and debris. The applicants hired certified arborist, Chris Bowen, to determine whether the tree roots had been damaged by the recent site cleaning activities. On May 18, the arborist conducted field investigations and found that the exposed roots were damaged in the past and unrelated to the recent activities. The arborist also confirmed that the damage had minimal impact on the root system. (See Attachment 2.)

Arborist Report re: future tree protection: The arborist has marked the actual location of the trees' driplines with orange mesh construction fencing. The arborist also cleaned the area around the tree to restore the proper grade base around the tree. Finally, the arborist has been retained by the architect and applicant to guide and oversee the protection of the two trees during construction of the single family dwelling.

Staff's report on code enforcement activity: As stated above, code enforcement responded to a complaint about weeds and debris and asked the applicants to clean the property. The applicants complied and the case has been closed.

Future protection of the trees: Staff will continue to work with all parties to ensure that development of the site will preserve the existing and proposed Oak trees. Moreover, as a condition of this approval, the applicants will be required to sign and record with the County Recorder's Office a Landscape Maintenance Agreement which will ensure the health and maintenance of the Coast Live Oak trees on the property. This Agreement will follow the recommendations set forth in arborist Christopher Bowen's report dated September 14, 2004. (See Attachment 3.) As part of that Agreement, the applicants will be also required to provide a bond (as approved by the City Attorney's Office) to ensure that the landscaping plan (dated March 23, 2005) is completed and to ensure that the two Coastal Oaks are protected.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There will be no additional funding in the Planning & Building Department budget necessary relating to Planning activities for this project.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Actions taken on this subject do not affect the Alameda Municipal Code.

ENVIRONMENTAL REVIEW

The review of the subject Landscaping Plan is categorically exempt from further environmental review pursuant to Section 15304(b) of the CEQA Guidelines – New Landscaping.

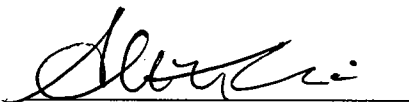
RECOMMENDATION

The City Manager recommends that the City Council conduct a public hearing, review all pertinent testimony and information then act to uphold the Historical Advisory Board's approval of the Landscaping Plan with conditions by adopting the draft City Council Resolution included in the agenda packet. Should the City Council take no action, the decision of the Historical Advisory Board stands.

Respectfully submitted,



Greg McFann  
Acting Planning Director/Building Official

By: 

Allen Tai  
Planner III

ATTACHMENTS:

1. Soils test results prepared by Wallace Laboratories.
2. Site investigation results by Certified Arborist Christopher Bowen.
3. Report of Arborist Christopher Bowen dated Sept. 14, 2004.

*Dedicated to Excellence, Committed to Service*

Honorable Mayor and  
Councilmembers

June 21, 2005  
Page 4 of 4

4. City Council Staff Report, May 17, 2005 (with attachments).

cc: Chair McPherson, Historical Advisory Board  
Hai Ky Lam, 1101 Buena Vista Avenue, Alameda, CA 94501  
Ivan Chiu/Bill Wong, Applicants, 373 9<sup>th</sup> Street #301, Oakland, CA 94607  
Patrick Lynch & Jeanne Nader, Appellants, 305 Spruce Street, Alameda, CA 94501

G:\PLANNING\CC\REPORTS\2005\Jun 21\Spruce301\_supplementalreport.doc



# WALLACE LABORATORIES

365 Coral Circle  
El Segundo, CA 90245  
phone (310) 615-0116 fax (310) 640-6863

May 27, 2005

Christopher Bowen, Certified Arborist  
85 Thousand Oaks  
Oakland, CA 94605-4618

RE: composite soil sample from 301 Spruce St., Alameda  
Sample received May 26, 2005

Dear Christopher,

The mineral content of the soil does not exceed Title 22 limits.

The soil is pH neutral. The salinity is low at 0.43. The fertility is moderate for nitrogen and potassium. Phosphorus, iron, manganese, zinc and copper are well supplied.


## Recommendations

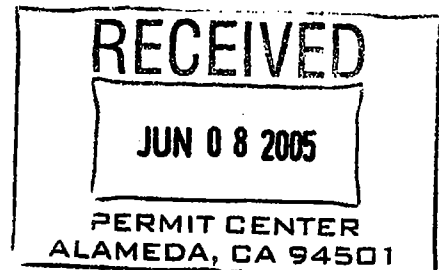
The soil has the proper fertility for plant growth.

Nitrogen can be applied several times per year. Calcium nitrate (15.5-0-0) can be applied at 6 pounds per 1,000 square feet over the active rooting areas.

Do not apply zinc or copper. Boron may be needed in the future. Such need will need to be based on leaf tissue analysis.

Sincerely,

  
Garn A. Wallace, Ph. D.  
Executive Director  
GAW:n



**WALLACE LABS****TOTAL ANALYSIS**

DATE: May 27, 2005

365 Coral Circle

Location 301 Spruce St., Alameda

El Segundo, CA 90245

Requester Christopher Bowen, Certified Arborist

(310) 615-0116

Method EPA 3051

Material soil

05-146To-03 title 22 limit

elements

aluminum	6,150.69	
arsenic	2.17	500
barium	60.20	10,000
boron	3.14	
cadmium	0.29	100
calcium	3,082.68	
chromium	27.22	500
cobalt	3.66	8,000
copper	12.05	2,500
iron	8,227.09	
lead	38.13	1,000
lithium	8.61	
magnesium	2,305.15	
manganese	170.12	
mercury	0.15	20
molybdenum	1.02	3,500
nickel	26.02	2,000
phosphorus	255.15	
potassium	801.48	
selenium	< 0.25	100
silicon	144.01	
silver	4.04	500
sodium	477.79	
strontium	26.37	
sulfur	167.59	
tin	< 2.50	
titanium	301.64	
vanadium	290.08	2,400
zinc	59.34	5,000
chloride	< 50	

Elements expressed as mg/kilogram (parts per million) on a dry weight basis.

**WALLACE LABS**

365 Coral Circle  
El Segundo, CA 90245  
(310) 615-0116

**SOILS REPORT**

Location 301 Spruce St., Alameda  
Requester Christopher Bowen, Certified Arborist  
graphic interpretation: \* very low, \*\* low, \*\*\* moderate

May 26, 2005

**ammonium bicarbonate/DTPA**

\*\*\*\* high, \*\*\*\*\* very high

extractable - mpp/kg soil

Sample ID Number

05 146 03

Interpretation of data

Soil Sample Received 5/26/05

low medium high

**elements**

graphic

0 - 7 8-15 over 15

phosphorus

20.50 \*\*\*\*

0-60 60-120 121-180

potassium

110.85 \*\*\*

0 - 3 3 5 over 5

iron

48.53 \*\*\*\*\*

0- 0.5 0.6- 1 over 1

manganese

4.83 \*\*\*\*\*

0 1 1 1.5 over 1.5

zinc

18.76 \*\*\*\*\*

0 0.2 0.3 0.5 over 0.5

copper

3.06 \*\*\*\*\*

0- 0.2 0.2 0.5 over 1

boron

0.09 \*

ratio of calcium to magnesium

calcium

417.56 \*\*\*\*

needs to be more than 2 or 3

magnesium

78.48 \*\*\*

should be less than potassium

sodium

20.43 \*

sulfur

10.06 \*

molybdenum

0.01 \*\*

The following trace

aluminum

n.d. \*

elements may be toxic

arsenic

0.09 \*

The degree of toxicity

barium

1.98 \*

depends upon the pH of

cadmium

0.13 \*

the soil, soil texture,

chromium

0.09 \*

organic matter, and the

cobalt

0.06 \*

concentrations of the

lead

13.36 \*\*\*

individual elements as

lithium

0.15 \*

well as to their

mercury

n.d. \*

interactions.

nickel

1.26 \*\*

selenium

n.d. \*

The pH optimum depends

silver

n.d. \*

upon soil organic

strontium

2.16 \*

matter and clay content-

(in

0.06 \*

for clay and loam soils:

vanadium

0.33 \*

under 5.2 is too acidic

6.5 to 7 is ideal

over 8.5 is too alkaline

**Saturation Extract**

pH value

7.03 \*\*\*

The ECe is a measure of

ECe (milli-

0.43 \*\*

the soil salinity:

mho/cm)

millieq/l

1-2 affects a few plants

calcium

36.1

1.8

2-4 affects some plants,

magnesium

9.3

0.8

&gt; 4 affects many plants.

sodium

25.8

1.1

potassium

13.6

0.3

cation sum

4.0

problems over 150 ppm

chloride

6

0.2

good 20 - 30 ppm

nitrate as N

23

1.7

phosphorus as P

0.4

0.0

toxic over 800

sulfate as S

12.2

0.8

anion sum

2.6

toxic over 1 for many plants boron as B

0.10 \*

increasing problems start at 3

SAR

1.0 \*

est. gypsum requirement lbs./1000 sq. ft.

3

relative infiltration rate

fair/slow

estimated soil texture

silty loam

lime (calcium carbonate)

no

organic matter

low/fair

moisture content of soil

5.5%

half saturation percentage

17.1%

Elements are expressed as millieq/l soil or mill for saturation extract

# **WALLACE LABORATORIES**

**365 Coral Circle  
El Segundo, CA 90245  
phone (310) 615-0116 fax (310) 640-6863**

## **CREDENTIALS OF WALLACE LABORATORIES**

### **Key Personnel**

#### **Arthur Wallace**

**Education:** B.S. Utah State University, 1943 (chemistry)  
Ph.D. Rutgers University, 1949 (soils and plant nutrition)

**Academic Appointments:** Professor Emeritus of Plant Physiology at University of California, Los Angeles (teaching and research, 1949-1989)

**Honors and Awards:** Elected Fellow of the American Society of Agronomy, of the Soil Science Society of American, of the Crop Science Society of America, and of The American Society for Horticultural Science

#### **Garn A. Wallace**

**Education:** B.S. Brigham Young University, 1968 (chemistry)  
Ph.D. University of California, Los Angeles, 1972 (biochemistry)  
Postdoctoral in Surgery, University of California, Los Angeles, 1972 - 1974

**Academic Appointments:** Research Biochemist, Laboratory of Biomedical and Environmental Sciences, University of California, Los Angeles, 6 years

**Honors and Awards:** U.S. Public Health Service Trainee

**Scientific and Professional Organizations:** Soil Science of American, Society of Plant Physiologists, American Chemical Society, American Society of Agronomy, Ecological Society of Soil Science, American Association for the Advancement of Science

**Consultancies and Contracts:** Egypt, Greece, Libya, Saudi Arabia, Ciba Geigy, Dow Chemical Co., Pemzoi, National Science Foundation, U.S. Department of Interior and Department of Energy, city/county/state/federal agencies, real estate developers, manufacturers,

**Publications:** Related to ecology - 120 titles  
Related to land reclamation and salinity - 45 titles  
Related to fruit tree horticulture - 60 titles  
Related to general plant nutrition and agronomy - 350 titles  
Related to soil science - 100 titles  
Related to soil amending and soil conditioning - 50 titles

**Soil Analyses    Plant Analyses    Water Analyses**

**CHRISTOPHER W. BOWEN  
CERTIFIED ARBORIST**

**(510) 777-1551**  
**85 THOUSAND OAKS**  
**OAKLAND, CA 94606**  
**#WC-4204**  
**CA LICENSE # 761555**



**...Detailed pruning... Careful removal of trees & shrubs... Free estimates...  
...Aesthetic approach...**

re: 301 Spruce St. Alameda

Protecting 2 Live Oaks - Above and below ground level to minimize / prevent damage to trees' branches, trunks, and root systems.

Area under drip-line of 2 Oaks has been fenced off by Arborist with 4 foot tall orange mesh construction fencing (photos attached)

2 previously cut 1 1/2" diameter surface roots were exposed when part of site was re-graded during site cleanup in early May '05 by present owner. Minimal damage was done to the root system.

The area around the base of larger Live Oak has since been cleaned up by arborist including a partial root-crown excavation to restore the correct grade around the base of this tree. 5/18/05

The present owner and his architects Bill Wong and Ivan Chiu have hired Christopher Bowen, certified arborist to follow-up with site preparation and to guide and oversee protecting the 2 Oak trees during construction. The arborist will be present and will speak at the June 7th '05 council meeting.

-Chris Bowen



Attachment #2



**CHRISTOPHER W. BOWEN**  
**CERTIFIED ARBORIST**  
 (510) 777-1551  
 85 THOUSAND OAKS  
 OAKLAND, CA 94608  
 #WC-4204  
 CA LICENSE # 761555



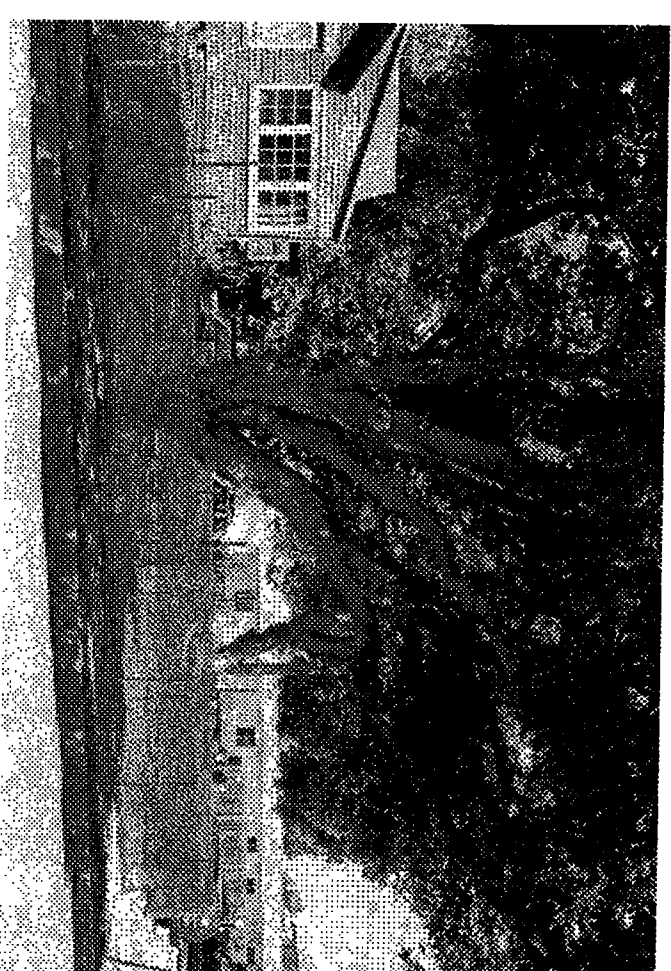
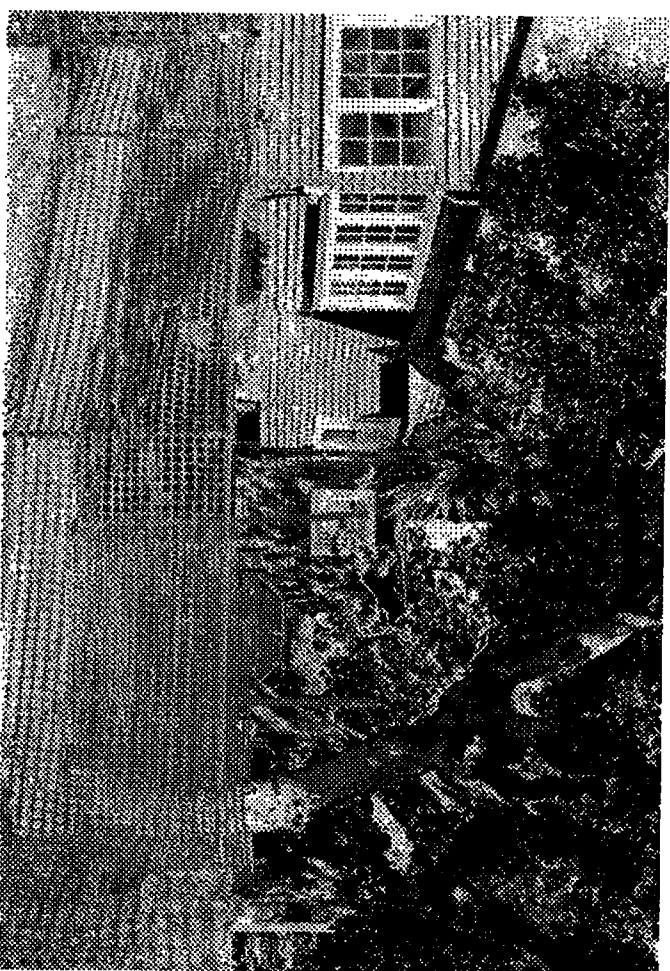
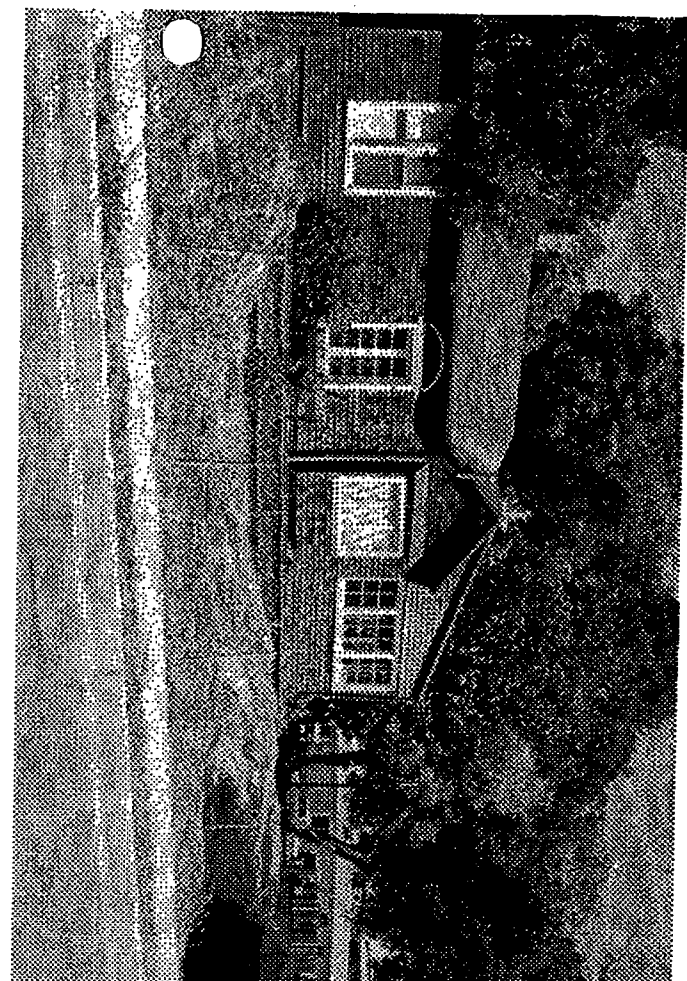
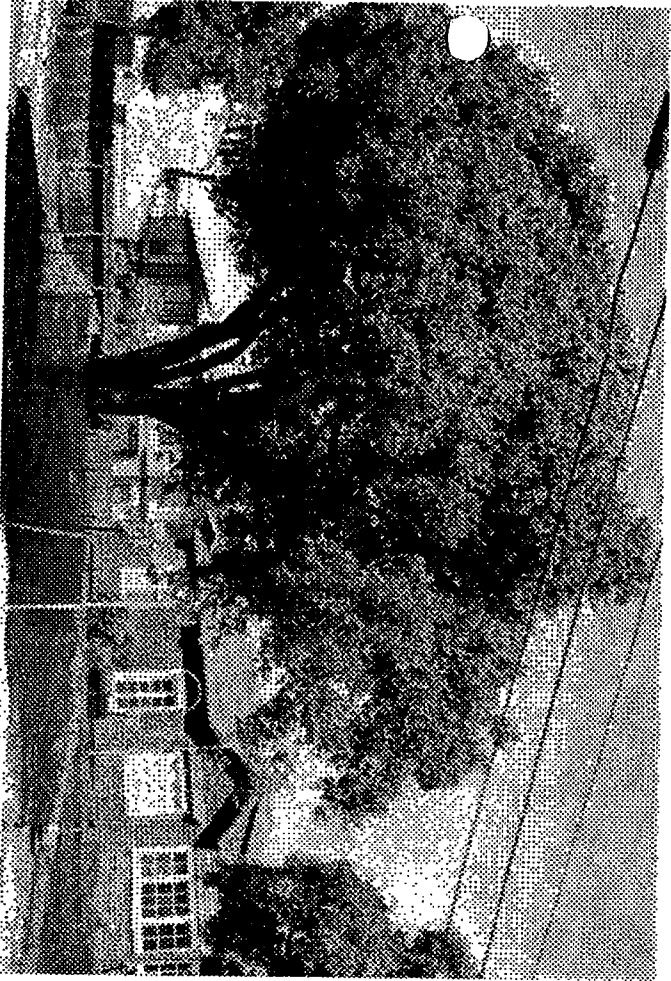
...Detailed pruning... Careful removal of trees & shrubs... Free estimates...  
 ...Aesthetic approach...

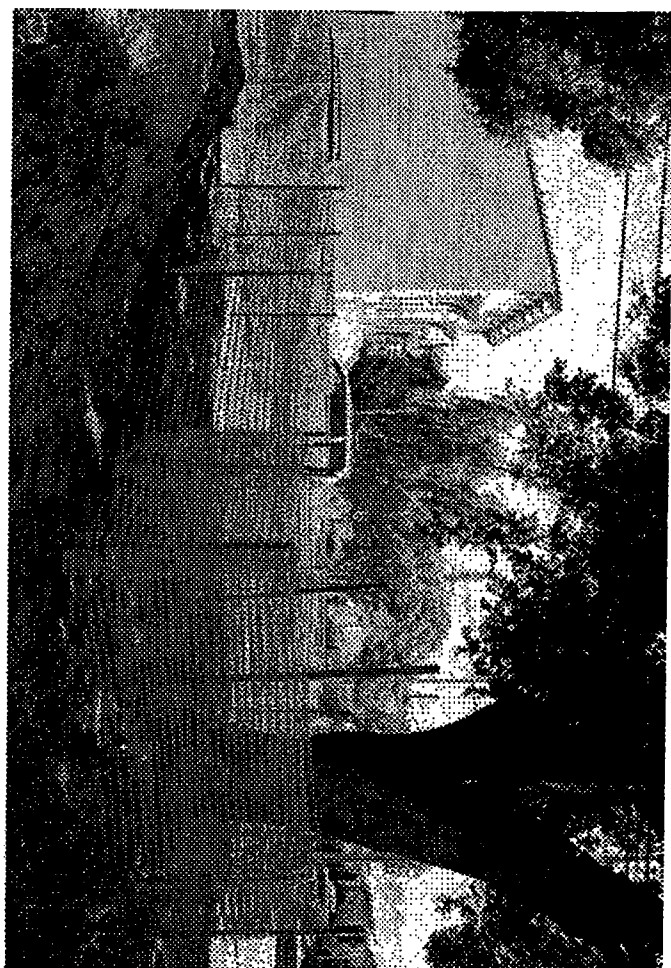
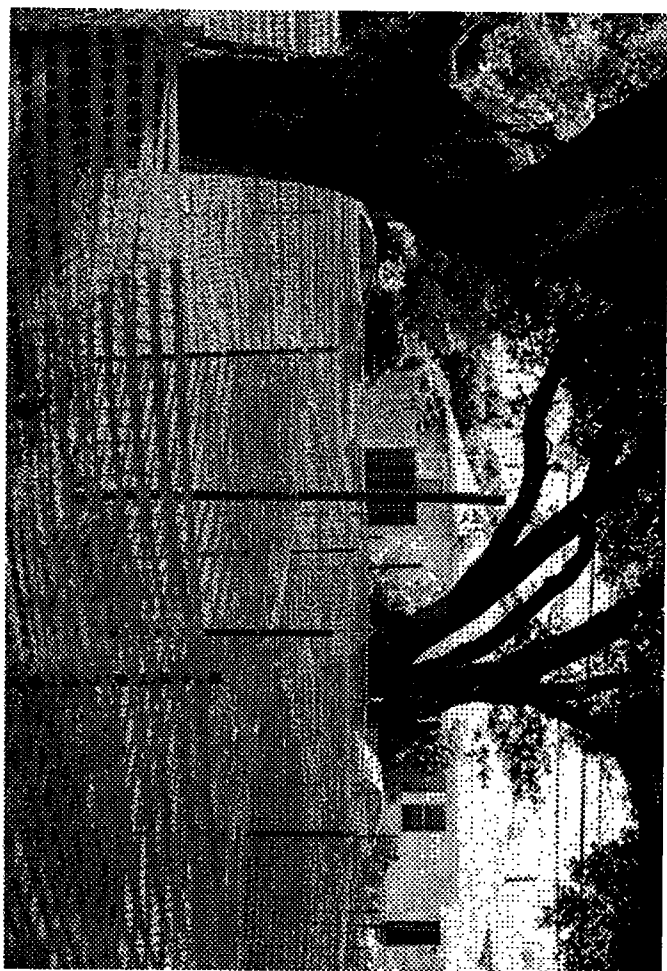
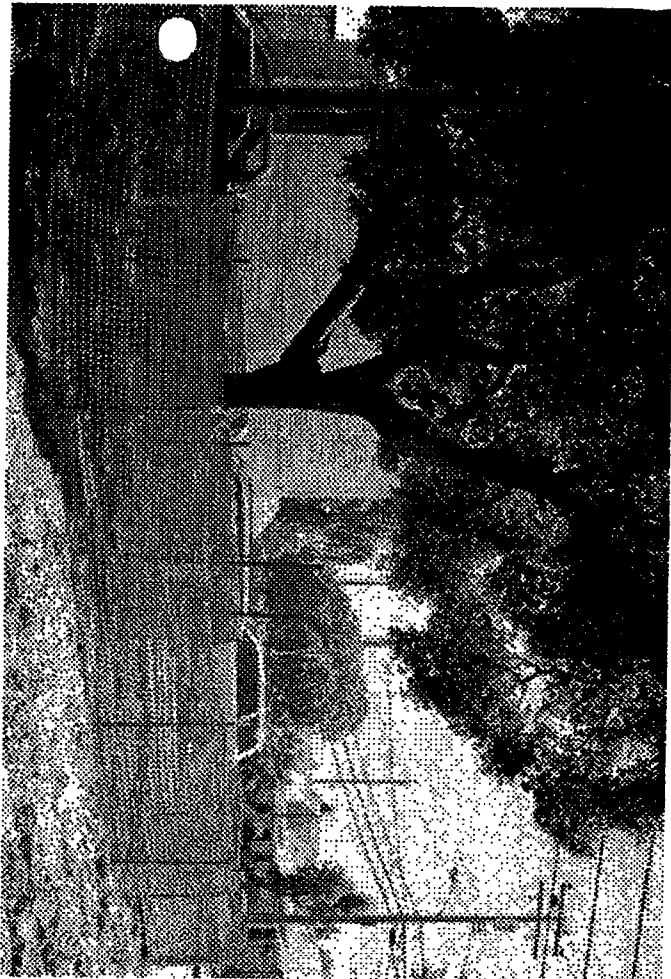
Bill Wong, Architect

25 May 2005

I have spoken with Ivan Chiu about 301 Spruce St. I sent off a composite soil sample (Title 22 test for toxic heavy metal content to prove the 2 piles of soil/sand are non-toxic. The results of these tests will be faxed to you @ 893-1893 by Wallace Laboratories later this week.

Please provide your digital photos of the site to Allen Fai along with 10 photos I took of the 301 Spruce St. site of new fencing around Oak's dripline, 2 piles of soil/sand; and area around base of Oaks. Your picture of exposed roots were uncovered by Hai Ky Lam in early May; show that the root damage was done previously since the 2 roots (2" diameter) are dark brown where they were cut 3 feet from the line Oak my photos will be e-mailed to you





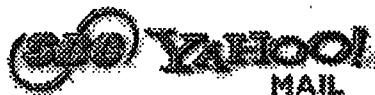




SBC Yahoo! Mail

Search  
the Web

Search

Welcome, **sings8889@sbcbglob...**  
[Sign Out, My Account][Mail Home](#) | [Tutorials](#) | [Help](#)

Mail

Addresses

Calendar

Notepad

[What's New - Mail Upgrades - Mail Options](#)

Check Mail

Compose

Search Mail

Search the Web

Folders [Add - Edit]

Inbox

Draft

Sent

Bulk [Empty]

Trash [Empty]

My Folders [Hide]

sings

[Previous](#) | [Next](#) | [Back to Messages](#)[Printable View](#) - [Full F](#)

Delete

Reply

Forward

Spam

Move...

This message is not flagged. [ [Flag Message](#) - [Mark as Unread](#) ]

Date: Wed, 25 May 2005 19:06:38 -0700 (PDT)

From: "Christopher Bowen" <bowentrees@yahoo.com> Add to Address Book  
Yahoo! DomainKeys has confirmed that this message was sent by yahoo.com. Le  
more

Subject: Spruce Oak

To: sings8889@sbcbglobal.net

10 pictures of 301 Spruce showing fencing around drip - line of 2 Live Oaks & 2 pil  
soil / sand mixture. My fencing installed 18 May 2005.

Please add your best photos and show previously damaged roots picture.

Do you Yahoo!?  
[Make Yahoo! your home page](#)

## Attachments

Attachment scanning provided by: **Antivir**

## Photos:

[Save to Computer](#)  
[Save to Yahoo! Photos](#)[1spruce.jpg\(181k\)](#) [View][Save to Computer](#)  
[Save to Yahoo! Pho](#)[2spruce.jpg\(190k\)](#) [View][Save to Computer](#)  
[Save to Yahoo! Photos](#)[Save to Computer](#)  
[Save to Yahoo! Pho](#)



**CHRISTOPHER W. BOWEN**  
**CERTIFIED ARBORIST**  
**(510) 777-1551**  
**85 THOUSAND OAKS**  
**OAKLAND, CA 94605**  
**#WC-4204**  
**CA LICENSE # 761555**

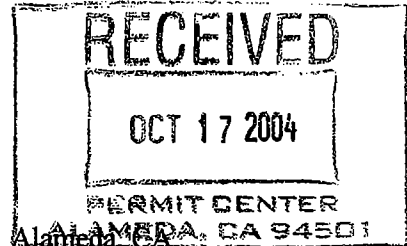


...Detailed pruning... Careful removal of trees & shrubs... Free estimates...  
...Aesthetic approach...

September 14, 2004

Attention: City of Alameda Historical Advisory Board

re: Approving Certificate of approval, CA-01-08, 301 Spruce St. Alameda, CA 94501



The property owner, Bill Wong, shall plant a minimum of two Live Oak Trees with a minimum size of 10 gallons as part of any development of the site (see site plan for tree placement). The two trees will be planted opposite the garage midway between the northern facade of the proposed residence and the property line. There is a 20-foot setback which will allow 10 feet between the trees and the house; and 10 feet to the property line/fence.

Due to the sandy soil the two Live Oaks Trees should be planted slightly high within a mound to allow for future settling. Two inches of compost material and two inches of mulch should be spread around the trees in a six-foot diameter circle. A lawn is not appropriate for this area due to the Live Oaks no summer watering once trees are established after two years of planting. The 10 gallon or larger Live Oaks shall be staked with two wood poles for each tree and watered two times weekly during the dry season for the first two years. Fall planting is preferable.

The Live Oaks shall be maintained during the first three years by a landscaping professional to ensure proper planting, watering, mulching and staking. The trees should not be pruned during the first three years. Subsequent pruning shall be done by a certified arborist.

The property owner shall follow tree preservation and other recommendations as outlined by the Arborist report prepared by Stephen Batchelder 15 June 2001 as part of any development of the site. The two mature Live Oaks on the site are vulnerable to construction and site development damage. Care must be taken when excavating the foundation to protect roots larger than 1 inch in diameter. An airspade is recommended to reveal anchoring roots on the 42" diameter Live Oak along 3<sup>rd</sup> Street. This tool can be obtained by hiring "Treescapes" Inc. - Oakland. An Arborist from "Treescapes" would excavate around the Live Oak where the foundation is to be dug to reveal anchor roots and to avoid cutting large roots over a 1" diameter. A pier and beam foundation may be necessary to bridge over large roots after wrapping them with burlap.



**CHRISTOPHER W. BOWEN**  
**CERTIFIED ARBORIST**  
**(510) 777-1551**  
**85 THOUSAND OAKS**  
**OAKLAND, CA 94605**  
**#WC-4204**  
**CA LICENSE # 761555**



...Detailed pruning... Careful removal of trees & shrubs... Free estimates...  
...Aesthetic approach...

- Strap hay bales to and around both mature Live Oaks
- Apply 2" compost, then 6 " mulch/wood chips and cover with 1" plywood to minimize root and soil compaction of area around Oaks, i.e., under their dripline within 8-20 feet of trees -as possible.

It is recommended that the property owner secure a bond to protect the two mature Live Oaks to protect against damage during construction and subsequent decline. This bond would hold the builder financially responsible for damages. The larger Oak = 42" diameter = \$15,000. Bond. The 16" diameter Oak = \$10,000. Bond. Be advised that after damage to these root systems it may take 10 years for the trees to decline and possibly die.

The two mature Live Oaks are heavily pruned to remove limbs and branches facing the property. The trees' canopies are therefore heavy over the street and sidewalk and will require pruning every 3 years to these branches and reduce overweight for balance and to lessen the risk of limb failure.

Christopher Bowen  
Certified Arborist  
Report dated 09/14/2004

*Chris Bowen*

# City of Alameda

## Memorandum

DATE: May 5, 2005

TO: Honorable Mayor and Councilmembers

FROM: William C. Norton  
Acting City Manager

RE: Public Hearing to consider an Appeal of the Historical Advisory Board's approval of a Landscaping Plan for planting two Coast Live Oak trees on the vacant property at 301 Spruce Street. The submittal of a Landscaping Plan, as part of new development proposals on the site, was required by the Historical Advisory Board as a condition for the removal of one Coast Live Oak tree in 2001. The site is located at 301 Spruce Street within the R-4, Neighborhood Residential Zoning District. Applicant: Bill Wong for Hai Ky Lam/Appellant: Patrick Lynch and Jeanne Nader.

---

### BACKGROUND

301 Spruce Street is a vacant lot located at the corner of Spruce and Third streets in the West Alameda neighborhood. In 2001, the Historical Advisory Board (HAB) gave approval (Certificate of Approval no: CA01-08) to remove one oak tree that was damaged by a previous property owner. As a condition of approval, the Board required the installation of two Coast Live Oaks to replace the damaged tree. Furthermore, the Board required future proposals for development on the site to include a landscaping plan for the placement of the two new trees. Patrick Lynch and Jeanne Nader of adjacent 305 Spruce Street appealed the Board's decision to the Council, but the Council denied the appeal after finding no merit in the basis of appeal. The property changed ownership in 2004, and the current owners have submitted a Design Review proposal for the construction of one single-family dwelling. In compliance with the 2001 condition of approval, the property owners have submitted a landscaping plan to the HAB for review and approval. The Board approved the landscaping plan for the placement of the two new Coast Live Oaks during the April 7, 2005 hearing.

### DISCUSSION/ANALYSIS

Mr. Lynch and Ms. Nader of 305 Spruce Street are appealing the HAB's approval of the Landscaping Plan (Attachment 2 – Petition for Appeal). The bases of appeal are highlighted in bold followed by Staff discussion:

1. **The HAB's review and approval of the Landscaping Plan is not exempt from the California Environmental Quality Act (CEQA).**

The HAB's action on April 7, 2005 is limited to the review of the Landscaping Plan for the

placement of the two new Coast Live Oaks, as required by condition of approval in Resolution HAB01-08 from 2001. According to CEQA Guidelines Section 15304(b) - New Landscaping, the installation of landscaping and planting of two new trees are exempt from CEQA's environmental review process.

**2. The proposed new construction may adversely impact the two existing Coast Live Oaks and, therefore, the Design Review process should not be exempt from CEQA.**

Parallel to the HAB's review of the landscaping plan is a Design Review application for a new single family dwelling currently under review by Staff. The proposed new construction and the CEQA determination for the Design Review do not fall within the HAB's purview. Therefore, the appellants cannot appeal the HAB's decision on the basis that the Design Review should not be exempt from CEQA. The protection of Coast Live Oaks in Alameda is a local regulation that reflects the City's desire to preserve these trees, but because Coast Live Oaks are not an endangered species extensive environmental assessment is not required under CEQA.

Staff will continue to coordinate with the appellants and the property owners to ensure that the design will be compatible with the oak trees. The appellants were provided opportunities to address the concerns of the proposed single-family house. Several arborist reports and recommendations have been requested by Staff to identify necessary measures to protect the existing trees during construction. Since the HAB hearing on April 7, 2005, the applicants have revised the landscaping plan to locate the building further away from the trees; the latest plan shows a minimum thirteen-foot setback from the existing trees. Furthermore, the conditions of approval for the Design Review approval will require protection of the existing trees and recordation of a Landscape Maintenance Agreement to ensure proper maintenance of the new and existing trees on the property. The appellants will also be notified of actions taken by Staff on the Design Review, which may be appealed to the Planning Board.

ALAMEDA MUNICIPAL CODE/POLICY DOCUMENT REFERENCE

Actions taken on this item would not affect or deviate from any local Codes, Regulations, and Policies.

BUDGET CONSIDERATIONS/ FISCAL IMPACT

There will be no additional funding in the Planning & Building Department budget necessary relating to Planning activities for this project.

RECOMMENDATION

The City Manager recommends that the City Council conduct a public hearing, review all pertinent testimony and information then act to uphold the Historical Advisory Board's approval of the

Honorable Mayor and  
Councilmembers

May 5, 2005  
Page 3

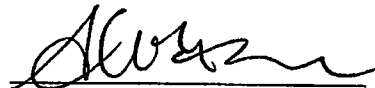
Landscaping Plan by adopting the draft City Council Resolution included in the agenda packet.  
Should the City Council take no action, the decision of the Historical Advisory Board stands.

Respectfully submitted,



Jerry Cormack  
Interim Planning Director

By:



Allen Tai  
Planner III

ATTACHMENTS:

1. Historical Advisory Board Staff Report, April 7, 2005 (with attachments).
2. Petition for Appeal, April 15, 2005 (with attachments).
3. Draft Minutes of April 7, 2005 Historical Advisory Board hearing.

cc: Chair McPherson, Historical Advisory Board  
Hai Ky Lam, Property Owner of 301 Spruce Street  
Ivan Chiu/Bill Wong, Applicant  
Patrick Lynch and Jeanne Nader, Appellant

G:\PLANNING\CC\REPORTS\2005\j-May 17\Spruce301\_CA01-08appeal.doc

**CITY OF ALAMEDA  
PLANNING AND BUILDING DEPARTMENT**

**STAFF REPORT**

**ITEM NO.:** 2

**APPLICATION:** Review of Certificate of Approval CA01-08 – Bill Wong/Ivan Chiu for Hai Ky Lam – 301 Spruce Street. A review of the Landscaping Plan for planting two Coast Live Oak trees (*Quercus agrifolia*) on the vacant property at 301 Spruce Street. The submittal of a Landscaping Plan, as part of new development proposals on the site, was required as a Condition of Approval by the Historical Advisory Board under Resolution HAB 01-08, which approved the removal of one Coast Live Oak tree in 2001. The site is located within an R-4 Neighborhood Residential District.

**GENERAL PLAN:** Medium Density Residential

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt from State CEQA Guidelines, Section 15304(b) - New Landscaping

**STAFF PLANNER:** Allen Tai, Planner III

**RECOMMENDATION:** Staff recommends approval; specify any additional conditions.

**ACRONYMS:** AMC – Alameda Municipal Code

**ATTACHMENTS:**

1. Draft Resolution
2. Landscape Plan dated March 23, 2005
3. Certified Arborist Report October 17, 2004 with recommendations for protecting existing oak trees
4. Previous Arborist Report dated June 15, 2001
5. HAB-01-08 Resolution 2001

---

**I. BACKGROUND/EXISTING CONDITIONS**

301 Spruce Street is a vacant parcel located at the northeast corner of Third and Spruce Streets. The size of the parcel is 5,000 square-feet (50'0" wide by 100'0" deep). No development ever occurred on the property. Recent project records indicate that the property had four large trees including three Coast Live Oaks and one Pine tree. The four trees included:

- A) a 26" diameter Coast Live Oak that was located near the rear of the property; (Removed)
- B) a 42" diameter Coast Live Oak located along the property line of the street side yard;
- C) a 18" diameter Coast Live Oak located at the front of property on the City right-of-way;



D) a 27" diameter Italian Stone Pine located at the front corner of the property (Removed)

The history of events began in 1998, when a previous owner damaged Tree A through extensive trimming. The owners were required to preserve the tree despite it being severely pruned. By 2001 the tree showed signs of deteriorating health, and the Historical Advisory Board approved a new owner's request to remove the damaged tree in order to allow a proposed residential development to proceed (Certificate of Approval Application No.: CA01-08; Resolution HAB-01-08). The Board's approval was subsequently appealed to the City Council, where the Board's decision was upheld upon the Council's finding that there was no merit to the appeal.

This public hearing is a result of the Board's approval in 2001 to remove Tree A. The Historical Advisory Board approved the request with the condition that two new oak trees be planted on the property. The Board also required the submittal of a landscaping plan for review and approval by the Board when new construction is proposed on the site. Ownership of the property changed hands again in 2004 and the current owners have submitted a proposal to construct a single-family residence on the site. A landscaping plan for the planting of two new Oak trees has been prepared in conformance with Resolution HAB-01-08. The plans for the new construction are currently under review by Design Review staff. Conditions of approval for the Design Review will require protection of the existing trees per the arborist and landscape architect's recommendations, as well as the recordation of a Landscape Maintenance Agreement to ensure maintenance of the oak trees on the property.

## **II. ENVIRONMENTAL DETERMINATION:**

The review of the subject Landscaping Plan is categorically exempt from further environmental review pursuant to Section 15304(b) of the CEQA Guidelines – New Landscaping

## **III. DISCUSSION:**

The applicants have secured the services of a Landscape Architect as required by the Board in 2001 to prepare a landscaping plan and recommendations for the location of the two new trees. The proposed landscaping plan identifies two new Coast Live Oaks located in the rear yard. The proposed trees will be located approximately fifteen feet from the rear of the proposed building and five feet away from the rear property line. The new ten-gallon Oaks will also maintain a separation of fourteen feet.

The applicants have also secured services of a certified arborist who has provided recommendations for protecting the existing trees during construction.

## **IV. RECOMMENDATION:**

Staff recommends that the Historic Advisory Board open the public hearing, review pertinent information and documents, then act to approve the proposed Landscaping Plan.

G:\PLANNING\HAB\REPORTS\2005\Apr 07\Spruce301\_CA01-08report.doc

**CITY OF ALAMEDA  
HISTORICAL ADVISORY BOARD  
RESOLUTION NO. HAB-05-07**

**A RESOLUTION OF THE HISTORICAL ADVISORY BOARD OF THE CITY OF ALAMEDA APPROVING THE LANDSCAPING PLAN FOR TWO NEW COAST LIVE OAK TREES REQUIRED UNDER CERTIFICATE OF APPROVAL, CA01-08, FOR THE REMOVAL OF ONE COAST LIVE OAK TREE IN 2001 AT 301 SPRUCE STREET.**

WHEREAS, the Historical Advisory Board approved Certificate of Approval CA01-08 in 2001 for the removal of one coast live oak tree and required the installation of two ten-gallon Coast Live Oak trees as part of any development project on the site; and

WHEREAS, the Historical Advisory Board required the submittal of a Landscaping Plan to be submitted for review and approval; and

WHEREAS, Bill Wong on behalf of Property Owner Hai Ky Lam on submitted the recommendations from a Certified Arborist on October 11, 2004 and a Landscaping Plan prepared by a Licensed Landscape Architect on March 23, 2005; and

WHEREAS, the General Plan designation of the site is Medium Density Residential; and

WHEREAS, the parcel is located within the R-4, Neighborhood Residential Zoning District;  
and

WHEREAS, the Board has held a public hearing on this application on April 7, 2005 and reviewed the proposed plan and considered all pertinent documents and testimony; and

THEREFORE BE IT RESOLVED that the Historical Advisory Board of the City of Alameda hereby finds that the proposal is Categorically Exempt from CEQA, Guidelines, Section 15304(b) – New Landscaping; and

BE IT FURTHER RESOLVED that the Historical Advisory Board of the City of Alameda hereby approves the Landscaping Plan subject to the following conditions:

1. **APPROVED PLANS.** The planting of the two ten-gallon Coast Live Oak trees shall be completed in substantial compliance with the landscaping plan dated March 23, 2005, prepared by PGA Design Landscape Architects, marked as "Exhibit A", on file in the City of Alameda Planning and Building Department.
2. Prior to issuance of Building Permits for the development on the site, the applicants shall sign and record with the County Recorder's Office a Landscape Maintenance Agreement with the City to ensure maintenance of the Coast Live Oak trees on the property.

**HOLD HARMLESS.** The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its

agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property, which action is brought within the time period provided for in Government Code Section 65009(c). The City of Alameda shall cooperate promptly, notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or the City fails to cooperate fully in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.

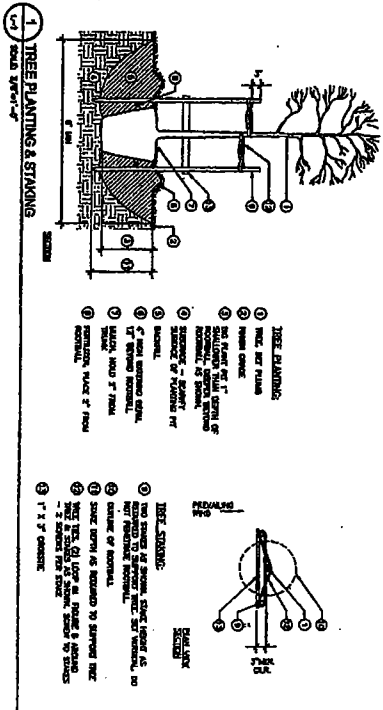
**ACKNOWLEDGMENT OF CONDITIONS.** The applicant shall acknowledge in writing all of the conditions of approval and must accept this permit subject to those conditions and with full awareness of the applicable provisions of Chapter 30 of the Alameda Municipal Code in order for this approval to be exercised.

**NOTICE.** No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

The decision of the Historical Advisory Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by Notice of Appeal stating the appellant claims that either the Board's decision is not supported by its findings or its findings are not supported by the evidence in the record.

\*\*\*\*\*

G:\PLANNING\HAB\RESO\2005\Spruce301\_CA01-08reso.doc



**GENERAL NOTES**

THE ENTIRE OF THIS PLAN IS TO SHOW THE LOCATION, LAYOUTS AND BE USED FOR THE PURPOSE OF THE PLANNING AND DESIGN OF THE PROJECT. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

1. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

2. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

3. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

4. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

5. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

6. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

7. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

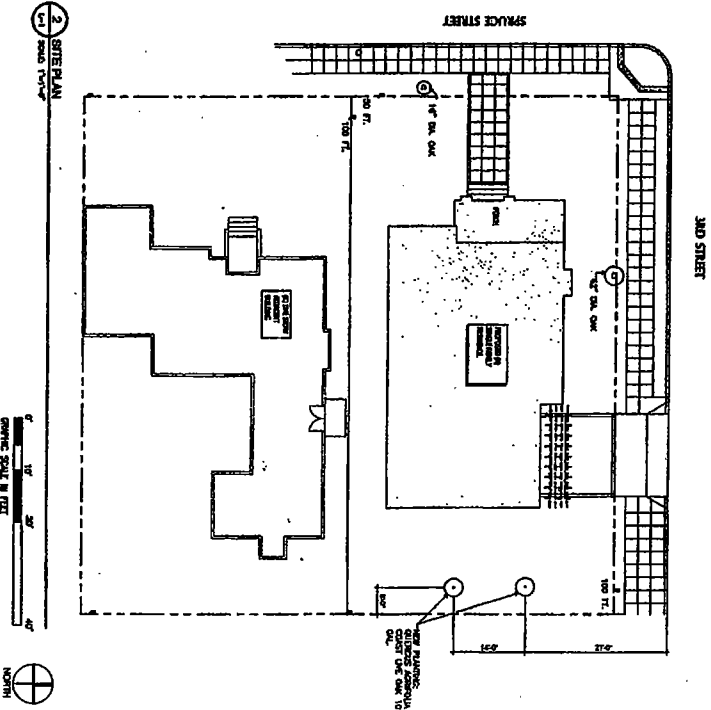
8. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

9. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

10. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

**TREE PLANTING NOTES**

1. SIZES OF TREES SHOULD BE SHOWN IN DETAIL.
2. ALL TREES PLANTED SHOULD BE TEST FOR PLANTING OF TREE PLANTING.
3. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
4. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
5. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
6. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
7. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
8. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
9. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
10. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PLANNING AND DESIGN OF THE PROJECT IS NOT TO BE USED FOR ANY OTHER PURPOSE.



**RECEIVED**

**MAR 23 2005**

**PERMIT CENTER**

**ALAMEDA, CA 94501**

NO.	DATE	DESCRIPTION
1	3-21-05	ISSUED FOR PERMIT
2	3-21-05	ISSUED FOR PERMIT
3	3-21-05	ISSUED FOR PERMIT
4	3-21-05	ISSUED FOR PERMIT
5	3-21-05	ISSUED FOR PERMIT
6	3-21-05	ISSUED FOR PERMIT
7	3-21-05	ISSUED FOR PERMIT
8	3-21-05	ISSUED FOR PERMIT
9	3-21-05	ISSUED FOR PERMIT
10	3-21-05	ISSUED FOR PERMIT

**OAK TREE PLACEMENT**

**301 Spruce Street**

**Alameda, CA**



**PGA design**

**LANDSCAPE ARCHITECTS**

**4417th Street**

**Oakland, CA 94612**

**510.445.1234**

**510.445.1235**

**510.445.1236**

**510.445.1237**

**510.445.1238**

**510.445.1239**

**510.445.1240**

**510.445.1241**

**510.445.1242**

**510.445.1243**

**510.445.1244**

**510.445.1245**

**510.445.1246**

**510.445.1247**

**510.445.1248**

**510.445.1249**

**510.445.1250**



**CHRISTOPHER W. BOWEN**  
**CERTIFIED ARBORIST**  
**(510) 777-1551**  
**85 THOUSAND OAKS**  
**OAKLAND, CA 94605**  
**#WC-4204**  
**CA LICENSE # 761555**

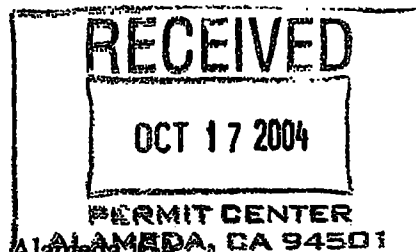


**...Detailed pruning... Careful removal of trees & shrubs... Free estimates...  
...Aesthetic approach...**

September 14, 2004

Attention: City of Alameda Historical Advisory Board

re: Approving Certificate of approval, CA-01-08, 301 Spruce St. Alameda, CA 94501



The property owner, Bill Wong, shall plant a minimum of two Live Oak Trees with a minimum size of 10 gallons as part of any development of the site (see site plan for tree placement). The two trees will be planted opposite the garage midway between the northern facade of the proposed residence and the property line. There is a 20-foot setback which will allow 10 feet between the trees and the house; and 10 feet to the property line/fence.

Due to the sandy soil the two Live Oaks Trees should be planted slightly high within a mound to allow for future settling. Two inches of compost material and two inches of mulch should be spread around the trees in a six-foot diameter circle. A lawn is not appropriate for this area due to the Live Oaks no summer watering once trees are established after two years of planting. The 10 gallon or larger Live Oaks shall be staked with two wood poles for each tree and watered two times weekly during the dry season for the first two years. Fall planting is preferable.

The Live Oaks shall be maintained during the first three years by a landscaping professional to ensure proper planting, watering, mulching and staking. The trees should not be pruned during the first three years. Subsequent pruning shall be done by a certified arborist.

The property owner shall follow tree preservation and other recommendations as outlined by the Arborist report prepared by Stephen Batchelder 15 June 2001 as part of any development of the site. The two mature Live Oaks on the site are vulnerable to construction and site development damage. Care must be taken when excavating the foundation to protect roots larger than 1 inch in diameter. An airspade is recommended to reveal anchoring roots on the 42" diameter Live Oak along 3<sup>rd</sup> Street. This tool can be obtained by hiring "Treescapes" Inc. - Oakland. An Arborist from "Treescapes" would excavate around the Live Oak where the foundation is to be dug to reveal anchor roots and to avoid cutting large roots over a 1" diameter. A pier and beam foundation may be necessary to bridge over large roots after wrapping them with burlap.



**CHRISTOPHER W. BOWEN**  
**CERTIFIED ARBORIST**  
**(510) 777-1551**  
**85 THOUSAND OAKS**  
**OAKLAND, CA 94605**  
**#WC-4204**  
**CA LICENSE # 761555**



**...Detailed pruning... Careful removal of trees & shrubs... Free estimates...  
...Aesthetic approach...**

- Strap hay bales to and around both mature Live Oaks
- Apply 2" compost, then 6 " mulch/wood chips and cover with 1" plywood to minimize root and soil compaction of area around Oaks, i.e., under their dripline within 8-20 feet of trees -as possible.

It is recommended that the property owner secure a bond to protect the two mature Live Oaks to protect against damage during construction and subsequent decline. This bond would hold the builder financially responsible for damages. The larger Oak = 42" diameter = \$15,000. Bond. The 16" diameter Oak = \$10,000. Bond. Be advised that after damage to these root systems it may take 10 years for the trees to decline and possibly die.

The two mature Live Oaks are heavily pruned to remove limbs and branches facing the property. The trees' canopies are therefore heavy over the street and sidewalk and will require pruning every 3 years to these branches and reduce overweight for balance and to lessen the risk of limb failure.

Christopher Bowen  
Certified Arborist  
Report dated 09/14/2004

*Chris W Bowen*

Stephen Batchelder, Consulting Arborist  
1534 Rose Street  
Crockett, California 94525  
State Cont. Lic. (C-27) #533675  
Phone (510) 787-3075  
Fax (510) 787-3065

Mr. Hinh  
10 Castlebar Place  
Alameda, Ca 94502

**Date:** June 15, 2001  
**Subject:** Tree Review on Potential Development Lot  
**Location:** 301 Spruce Street, Alameda  
**Date of Site Visit:** June 12, 200

Mr. Hinh requested an assessment for condition and viability of four trees on the lot at 301 Spruce Street, where he is considering developing the property. Prior assessment of the trees is always advised. This report contains inspection data inspection and recommendations for tree treatment and care.

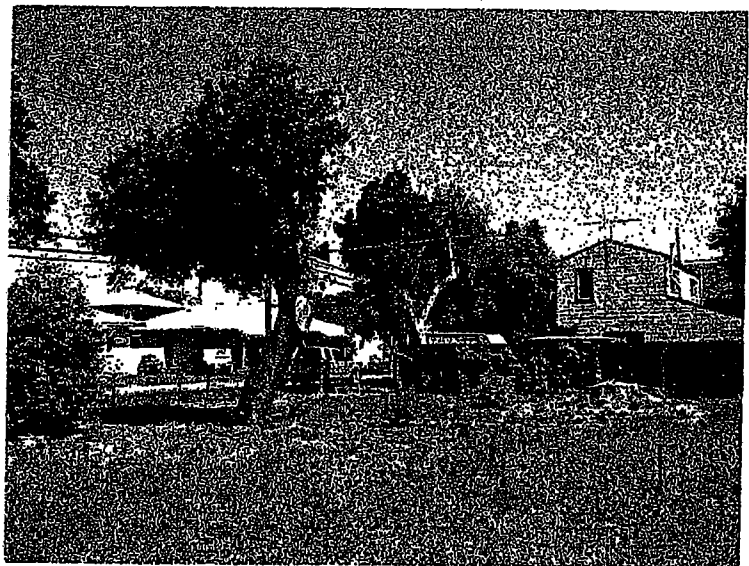
#### **SUMMARY**

It is recommended that one, and possibly two trees, be removed prior to beginning construction on the house. Coast Live Oaks tree #1 has suffered severe pruning and is considered to have a negative value. It is not a good candidate for retention. The Italian Stone Pine is also recommended for removal or possibly severe pruning. This pine tree shades two valuable Coast Live Oak trees both recommended for retention.

#### **TREE PROTECTION DURING CONSTRUCTION**

Supplemental information has been provided regarding care of native oak trees on home grounds. Good specimen oak trees are highly valued.

*Photo shows Coast Live Oak tree #1, recommended for removal. Red arrow indicates the recent, very large pruning wound. The remaining portion of the tree has been previously headed in a similar manner (large cuts). There is no practical reason for retaining this tree, as it will likely have a negative value if retained.*



## DESCRIPTION OF TREES

### Tree #1      Coast Live Oak (Quercus agrifolia)

DBH      26 inches

Height      25 feet

Recommendation:      Remove tree

Health  
Structure

Fair to poor  
Poor

### Tree #2      Coast Live Oak      (Quercus agrifolia)

DBH      35 inches

Height      30 feet

Recommendation:      Protection during construction.

Health  
Structure

Good  
Fair

### Tree #3      Italian Stone Pine      (Pinus pinea)

DBH      27 inches

Height      35 feet

Health  
Structure

Good  
Fair

Recommendation:      Either remove or prune to allow light to the Coast Live Oak trees.

### Tree #4      Coast Live Oak      (Quercus agrifolia)

DBH      18 inches

Height      25 feet

Recommendation:      This tree requires little care other than protection during construction.

Health  
Structure

Good  
Good

*Photo to the right shows the four trees described above.*



This report is submitted by:

*Steve Batchelder*

Steve Batchelder, Consulting Arborist  
Certified Arborist #228



CITY OF ALAMEDA  
HISTORICAL ADVISORY BOARD  
RESOLUTION NO. HAB-01-08

A RESOLUTION OF THE HISTORICAL ADVISORY BOARD OF THE CITY OF ALAMEDA  
APPROVING CERTIFICATE OF APPROVAL, CA-01-08, 301 SPRUCE STREET

WHEREAS, Hinh D. Nguyen made an application on June 28, 2001 for a Certificate of Approval to the removal of a Coast Live Oak tree, a protected species, from his property; and

WHEREAS, application complete June 28, 2001; and

WHEREAS, the General Plan designation of the site is Medium Density Residential; and

WHEREAS, the parcel is located within the R-4, Neighborhood Residential Zoning District;  
and

WHEREAS, the Board has held a public hearing on this application; and

WHEREAS, the Board has made the following findings:

1. The Live Oak Tree has been severely pruned and is in very poor condition.
2. Retention of the Live Oak Tree would significantly restrict the possibility of development of the site.

THEREFORE BE IT RESOLVED that the Historical Advisory Board of the City of Alameda hereby finds that the proposal is Categorically Exempt from CEQA, Guidelines, Section 15304 -- replacement of existing landscaping which does not involve the removal of a healthy tree; and

BE IT FURTHER RESOLVED that the Historical Advisory Board of the City of Alameda hereby grants Certificate of Approval, CA-98-6, subject to the following conditions:

1. The property owner shall plant a minimum of two Live Oak Tree with a minimum size of 10 gallons as part of any development project of the site.
2. The property owner shall secure the services of a registered landscape architect to provide advice on the best location for planting of the Live Oaks in compliance with Condition #1.
3. The property owner shall submit the plan for locating the Live Oaks prepared by the landscape architect to the Historical Advisory Board for review and approval.
4. The property owner shall enter into a Landscape Agreement with the City of Alameda for a period of not less than three years from date of installation in order to ensure the maintenance of the required replacement trees.

5. The property owner shall follow the recommendations of the Arborist Report, prepared by Stephen Batchelder, dated June 15, 2001, and on file in the Planning Department Offices, as part of any development project of the site.
6. The property owner shall record a deed restriction which would inform any subsequent owner of the property of Conditions #1 through #5 as part of any development approval by the City for the site. A copy of the deed restriction shall be submitted to the Planning Department prior to the issuance of the Certificate of Occupancy.

**NOTICE.** No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

The decision of the Historical Advisory Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by Notice of Appeal stating the appellant claims that either the Board's decision is not supported by its findings or its findings are not supported by the evidence in the record.

**PASSED AND ADOPTED** by the Historical Advisory Board of the City of Alameda on the 2nd day of August 2001 by the following vote:

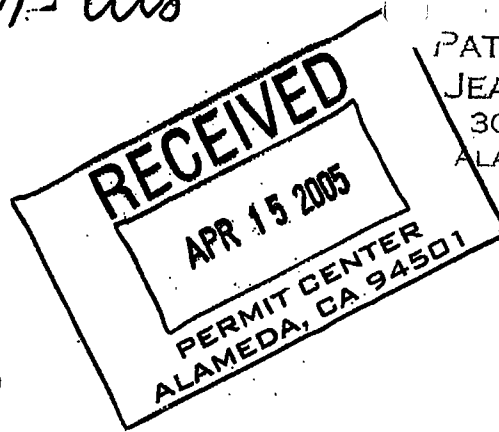
**AYES:** (5) Gill, Tilos, Jacopetti, McPherson, Brady

**NOES:** (0)

**ABSENT:** (0)

**ATTEST:** \_\_\_\_\_  
Judith Altschuler, Secretary  
Historical Advisory Board

CA01-0008



PATRICK G. LYNCH  
JEANNE A. NADER  
305 SPRUCE STREET  
ALAMEDA, CA 94501  
(510) 522-2165

April 15, 2005

City Council  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

Reference: Appeal of Historical Board Resolution HAB-05-07  
301 Spruce Street

Dear Council Members:

We are appealing the above referenced Historical Advisory Board Resolution. Our interest in appealing this decision is to ensure two mature Live Coast Oak Trees located on and adjacent to 301 Spruce Street are protected during the development of a single-family home. A third Live Coast Oak tree had previously been removed from this lot under a set of circumstances that resulted in revisions to the Historical Preservation Ordinance to prevent other Alamedans from sharing our disappointing experience.

The Historic Advisory Board made a finding that the project is exempt from the California Environmental Quality Act (CEQA) that is not supported by the evidence considered at the meeting. CEQA includes exceptions, when unusual circumstances exist at a project site, where a categorical exception is not appropriate. One of these unusual circumstances is when historical resources, in this case the two remaining Live Coast Oak Trees, may be adversely impacted.

An arborist report (attached) prepared on behalf of the property owner contained a number of measures necessary to protect the two remaining trees from mortality during site development. Given the high potential that the two remaining trees may be adversely impacted by site development the Historical Advisory Board should have found that the project is not categorically exempt from CEQA environmental review.

Sincerely

Patrick G. Lynch

Jeanne A. Nader

Attachment: Christopher Bowen, September 14, 2004, Arborist Report

Attachment #2



**CHRISTOPHER W. BOWEN**  
**CERTIFIED ARBORIST**  
**(510) 777-1551**  
**85 THOUSAND OAKS**  
**OAKLAND, CA 94605**  
**#WC-4204**  
**CA LICENSE # 761555**



...Detailed pruning... Careful removal of trees & shrubs... Free estimates...  
...Aesthetic approach...

- Strap hay bales to and around both mature Live Oaks
- Apply 2" compost, then 6" mulch/wood chips and cover with 1" plywood to minimize root and soil compaction of area around Oaks, i.e., under their dripline within 8-20 feet of trees -as possible.

It is recommended that the property owner secure a bond to protect the two mature Live Oaks to protect against damage during construction and subsequent decline. This bond would hold the builder financially responsible for damages. The larger Oak = 42" diameter = \$15,000. Bond. The 16" diameter Oak = \$10,000. Bond. Be advised that after damage to these root systems it may take 10 years for the trees to decline and possibly die.

The two mature Live Oaks are heavily pruned to remove limbs and branches facing the property. The trees' canopies are therefore heavy over the street and sidewalk and will require pruning every 3 years to these branches and reduce overweight for balance and to lessen the risk of limb failure.

Christopher Bowen  
Certified Arborist  
Report dated 09/14/2004

*Christopher Bowen*

2. Review of the Landscaping Plan for planting two Coast Live Oak trees (*Quercus agrifolia*) on the vacant property at 301 Spruce Street. The submittal of a Landscaping Plan (as part of new development proposals on the site) was required as a Condition of Approval by the Historical Advisory Board under Resolution HAB 01-08, which approved the removal of one Coast Live Oak tree in 2001. The site is located within an R-4 Neighborhood Residential District.

Ms. Altschuler gave a brief history of the project. In 1988, the previous owner damaged an Oak tree through extensive trimming. The owners were required to preserve the tree despite it being severely pruned. In 2001 the tree showed signs of deteriorating health, and the Board approved a new owner's request to remove the damaged tree in order to allow a proposed residential development, with the condition that two new oak trees be planted on the property. The Board also required the submittal of a landscaping plan for review and approval by the Board when new construction is proposed on the site. The Board's approval was subsequently appealed to the City Council, where the Board's decision was upheld upon the Council's finding that there was no merit to the appeal.

The applicants have secured the services of a Landscape Architect as required by the Board in 2001 to prepare a landscaping plan and recommendations for the location of the two new trees. The applicants have also secured services of a certified arborist who has provided recommendations for protecting the existing trees during construction.

Board member Tilos opened the floor for public comment.

Patrick Lynch, 305 Spruce St., spoke in opposition of this project. He has several issues with this application. He stated that the Board should be aware that the conditions contained in CA-01-08 have not been complied with and his requests to the City for enforcement have been ignored. In 2002 a grading permit was issued for the development project at the site without requiring replacement trees. He is concerned with the recent changes to Alameda's Historical Preservation Ordinance that allows Oak Trees with a trunk diameters less than 10" to be removed without a Certificate of Approval. The proposed replacement trees will not likely have trunk diameters of this size for 10 to 20 years, and could be removed at the end of the period required for the landscape maintenance agreement. He therefore requests that the replacement trees have a diameter greater than 10" at 4.5 ft. above the ground. He also disagrees with staff's decision that this project is categorically exempt from the CEQA guidelines. The tree removal together with the proposed single-family home project may cumulatively cause additional and substantial adverse change in the condition of the remaining oak trees.

Ms. Altschuler addressed Mr. Lynch's concerns as followed:

1. Mr. Lynch's concern with the issuance of the grading permit does not fall under the purview of the Historical Advisory Board.
2. To resolve Mr. Lynch's concern regarding the size of the trunk diameters of the replacement trees, the Board can extend the landscaping maintenance agreement to five years and require the replacement tree to be larger than 10" diameter.
3. His issue with staff's decision that this project is exempt from CEQA guidelines do not fall under the purview of this Board and should be addressed during the design review process.
4. According to city records, the Certificate of Approval CA01-08 was valid on the day the tree was removed. The Board approved the request with the condition that two new oak trees be planted on the property. The Board also required the submittal of a landscaping plan for review and approval when new construction is proposed. The current owners have submitted a proposal to construct a single-family residence on the site. A landscaping plan for the planting of two new Oak trees has been prepared in conformance with Resolution HAB-01-08. The plans for the new construction are currently under review by Design Review staff. Conditions of approval for the Design Review will require protection of the existing trees per the arborist and landscape architect's recommendations, as well as the recordation of a Landscape Maintenance Agreement to ensure maintenance of the oak trees on the property. Staff understands that Mr. Lynch has enjoyed living next to a vacant lot, but the owner is entitled to develop his lot.

Ms. Altschuler advised the Board that the decision before this Board tonight is to approve the location of the replacement trees as stated in the Landscaping Maintenance plan.

Board member Tilos opened the floor to Board discussion.

Board member Miller is in favor of extending the Landscaping Plan to 5 years. He is also in favor of requiring the replacement trees to be bigger than a 10" diameter.

The Certified Arborist, Chris Bowen was present. He suggested that the replacement trees be 24" box, which would be close to 8 ft tall when planted. He feels this would improve the property value.

M/S to approve the Landscaping Maintenance Plan with the following revisions: (1) Change the replacement trees from two 10-gallon trees to two 24" box trees. (2) Extend the Landscape Maintenance Agreement from 3 to 5 years.

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

UPHOLDING THE HISTORICAL ADVISORY BOARD'S APPROVAL OF A LANDSCAPING PLAN FOR PLANTING TWO COAST LIVE OAK TREES ON THE VACANT PROPERTY AT 301 SPRUCE STREET. THE SUBMITTAL OF A LANDSCAPING PLAN, AS PART OF NEW DEVELOPMENT PROPOSALS ON THE SITE, WAS REQUIRED BY THE HISTORICAL ADVISORY BOARD AS A CONDITION FOR THE REMOVAL OF ONE COAST LIVE OAK TREE IN 2001. THE SITE IS LOCATED AT 301 SPRUCE STREET WITHIN THE R-4, NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT.

WHEREAS, in 2001 the Historical Advisory Board conditionally approved Certificate of Approval CA01-08 for the removal of one Coast Live Oak tree at 301 Spruce Street and required a landscaping plan to be submitted for the planting of two Coast Live Oak trees at the time development was proposed on the vacant parcel; and

WHEREAS, Hai Ky Lam, property owner of 301 Spruce Street, submitted a proposal to construct one single-family dwelling on the property and a landscaping plan in accordance with the Historical Advisory Board Resolution HAB-01-08; and

WHEREAS, the subject property is designated as Medium Density Residential on the General Plan Diagram; and

WHEREAS, the subject property is located in the R-4, Neighborhood Residential Zoning District; and

WHEREAS, the Historical Advisory Board held a public hearing on April 7, 2005 and considered public testimony and comments on the proposed placement of the two Coast Live Oak trees and approved the landscaping plan; and

WHEREAS, on May 17, 2005 and June 21, 2005 the City Council of the City of Alameda held a public hearing for the appeal of the Historical Advisory Board's approval and examined pertinent documents as well as the record of the Historical Advisory Board hearing; and

NOW, THEREFORE BE IT RESOLVED that the City Council finds that the project is Categorically Exempt under California Environmental Quality Act Guidelines, Section 15304(b) – Landscaping;

NOW, BE IT FURTHER RESOLVED that the City Council finds that the proposed Landscaping Plan complies with the Historical Advisory Board's condition of approval for Certificate of Approval CA01-08 for planting two Coast Live Oak trees to replace one tree that was removed in 2001;

NOW, BE IT FURTHER RESOLVED that the City Council denies the appeal and upholds the Historical Advisory Board's approval of the Landscaping Plan as required under Certificate of Approval CA01-08 and Historical Advisory Board Resolution HAB01-08, subject to the following conditions:

Approved as to Form  
CITY ATTORNEY

1. **APPROVED PLANS.** The planting of the two Coast Live Oak trees (minimum twenty-four inch box) shall be completed in substantial compliance with the landscaping plan dated March 23, 2005, prepared by PGA Design Landscape Architects, marked as "Exhibit A", on file in the City of Alameda Planning and Building Department.
2. **RECORDED LANDSCAPE AGREEMENT AND BOND:** Prior to issuance of Building Permits for development on the site, the applicants shall sign and record with the County Recorder's Office a Landscape Maintenance Agreement with the City. This Agreement shall contain the recommendations set forth in arborist Christopher Bowen's report dated September 14, 2004. As part of this Agreement, the applicants will also be required to provide a bond (as approved by the City Attorney's Office) which ensures that: 1) the landscaping plan dated March 23, 2005, is properly completed; and 2) that the two Coastal Oaks are protected.
3. **HOLD HARMLESS:** The City of Alameda requires that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.

**NOTICE.** No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

\* \* \* \* \*



I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

---

Lara Weisiger, City Clerk  
City of Alameda

# City of Alameda

## Inter-departmental Memorandum

June 6, 2005

To: Honorable Mayor and  
Councilmembers

From: William C. Norton  
Acting City Manager

Re: Public Hearing to Consider Resolution Approving Engineer's Report, Confirming  
Diagram and Assessment and Ordering Levy of Assessments, Island City  
Landscaping & Lighting District 84-2

---

### BACKGROUND

Pursuant to the Landscaping and Lighting Act of 1972, the City Council appointed the engineer and attorney for the annual proceedings. Council has also preliminarily approved the Engineer's Report, declared an intention to order levy and collection of assessment, and set a hearing for June 21, 2005 at 7:30 p.m. in the City Council Chambers at Alameda City Hall.

### DISCUSSION

The Engineer's Report provides an estimate of cost by each of the seven Zones to be addressed for fiscal year 2005-06. The Zones are as follows:

- Zone 1: Lincoln Avenue between Sherman and St. Charles Streets.
- Zone 2: Webster Street between Central and Lincoln Avenues.
- Zone 3: Webster Street between Lincoln and Atlantic Avenues.
- Zone 4: Park Street from the Bridge to San Jose Ave., including areas of Webb, Santa Clara, Lincoln and Central.
- Zone 5: Harbor Bay Business Park.
- Zone 6: Alameda Marina Village commercial areas.
- Zone 7: Bay Street: 1100 and 1200 blocks.

The purpose of the assessment district is to provide for enhanced maintenance not regularly performed by the City. A copy of the Engineer's Report is on file in the City Clerk's Office and at all Public Library branches.

Enhanced maintenance or special projects contained in this budget are:

Zone 1: Maintenance of landscaped median in the 1100 and 1200 blocks of Lincoln Avenue; Utilities for operating the irrigation. No increase in assessment is proposed for this Zone.

*Dedicated to Excellence, Committed to Service*

Zones 2 & 3: These two zones work together on their projects. Together they pay for general litter and clean up of the public areas. The Business District has been working to save funds for use in implementing the streetscape improvements of the Webster St. Renaissance project and expects to spend these funds within this budget cycle. The maintenance cost for the revitalized area is expected to increase in the next budget cycle. No increase in assessment is proposed for this budget year. This Zone will be requesting a rate increase in the next budget cycle.

Zone 4: Staff met with the Park Street Business Association to develop the proposed budget. The budget for this Zone covers general litter and clean up of the sidewalk and public areas. This zone will be utilizing the previous years' budget savings to assist with purchasing stylized street furniture for the Park Street Streetscape Project. The monthly sidewalk cleaning, as well as daily litter control managed by the Association, will continue in the present budget. No increase in assessment is proposed for this budget year. This Zone will be requesting a rate increase in the next budget cycle.

Zone 5: The budget for this Zone is developed in conjunction with the Harbor Bay Business Park Association. The budget covers all irrigation costs and landscape maintenance costs. All tree trimming, sidewalk and pathway repairs, and streetlight repairs are also included. There is a CPI adjustment in the budget as allowed by previous vote of the property owners.

Zone 6: The budget for this Zone is developed in conjunction with the Marina Village Management group. Budget for this district covers all irrigation costs and landscape maintenance costs. It also covers all street lighting maintenance and energy costs. All tree trimming, sidewalk repair and pathway repair are included. No increase is proposed for this budget year.

Zone 7: The property owners have cooperatively developed a maintenance schedule for the elm trees that allows for a \$350, per year, per property assessment. The maintenance work began in Spring 2000 and continues. No increase in assessment is proposed for this Zone.

Balloting: For the 2005/06 tax year, there is no requirement for a Proposition 218 ballot.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

The maintenance costs for the various zones are described in the Engineer's Report, which is also on file with the City Clerk. Costs incurred by the City for the Engineer of Work and Attorney of Record, are paid for by the Districts under the budget item incidental expense.

Maintenance costs for landscaping along Harbor Bay Parkway, from Doolittle Drive to Maitland Drive, are shared between the City and the property owners within the business park, via the assessment district. The split is one third City, two-thirds assessment district. The City's one-third share is split between the Public Works Department and the Golf Course. The total cost for City's off-site maintenance for fiscal year 2005-06 is \$32,929 requiring a payment of \$16,464 each from

*Dedicated to Excellence, Committed to Service*

Public Works and Golf. Funds for this expense have been budgeted in the proposed FY 05-06 budget.

Additionally, the costs to maintain Shoreline Park are shared equally between Zone 5 and the City, as provided for in a settlement agreement. The City's share has been estimated at \$15,000, which is included in the Recreation and Park Department budget for FY 2005-06.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

Not applicable.

RECOMMENDATION

It is recommended that the Council hold the Public Hearing. It is also recommended that the City Council, by resolution, approve the Engineer's Report (as may be amended by the public hearing) confirming diagram and assessment, and ordering the levy of assessments for the Island City Landscaping and Lighting District 84-2.

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director



Marge McLean  
Acting Public Works Coordinator

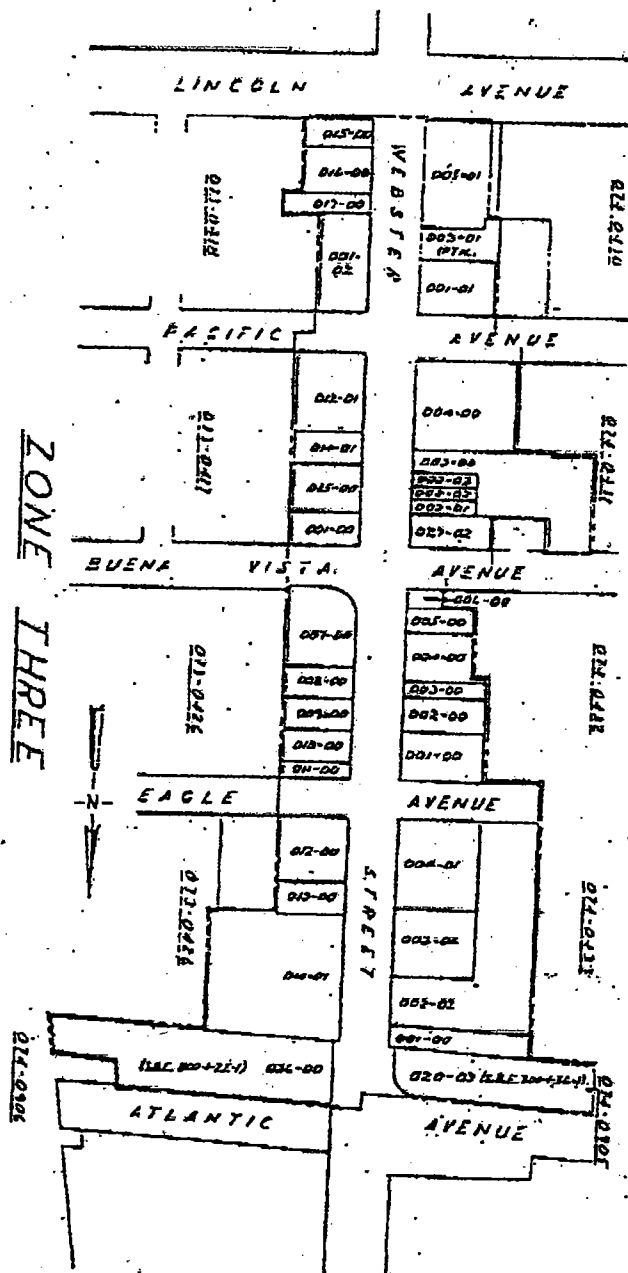
MTN:MM:gc

**Attachments**

G:\PUBWORKS\PWADMIN\COUNCIL\2005\062105\FINAL LTC FOR 06 AD.DOC

*Dedicated to Excellence, Committed to Service*

000004 51



ZONE THREE

Filed in the office of the City Clerk of the City of Alameda,  
California, this \_\_\_\_\_ day of \_\_\_\_\_, 1918.

Grain Market, City of Los Angeles

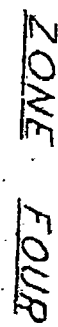
An assessment was levied by the City Council at the City of Alameda, California, on lots, pieces and parcels of land shown on this diagram on the \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_, by its Resolution No. \_\_\_\_\_.

Duane Feldsch, City Clerk

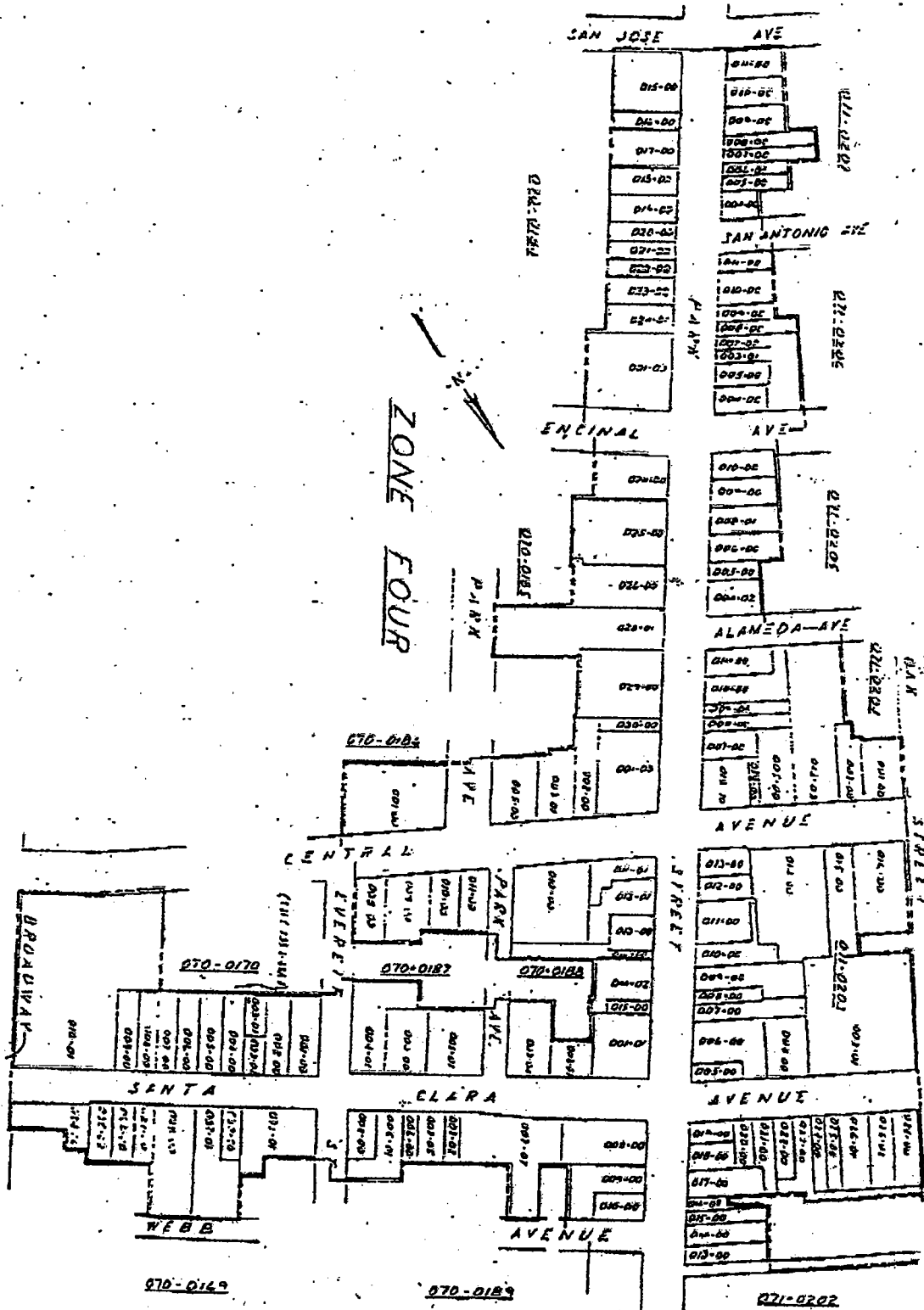
filed in the office of the County Auditor of the County of Mono, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_.

Daughter of Prof's  
Teacher of the family of  
Alameda, California

[illegible]



ZONE FOUR

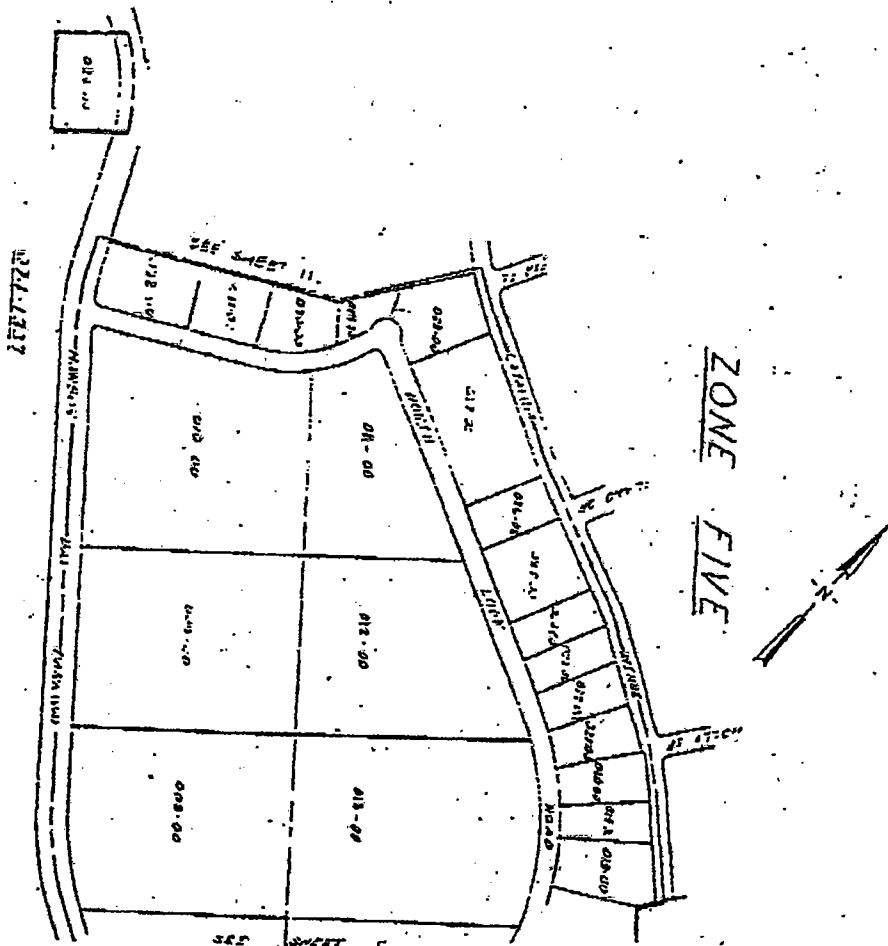


(CONTINUED ON SHEET 4)

SHEET 4	
CITY OF ALAMEDA	
ALAMEDA CITY LANDSCAPE & LIGHTING DISTRICT	
SHEET 4	
B884 61	





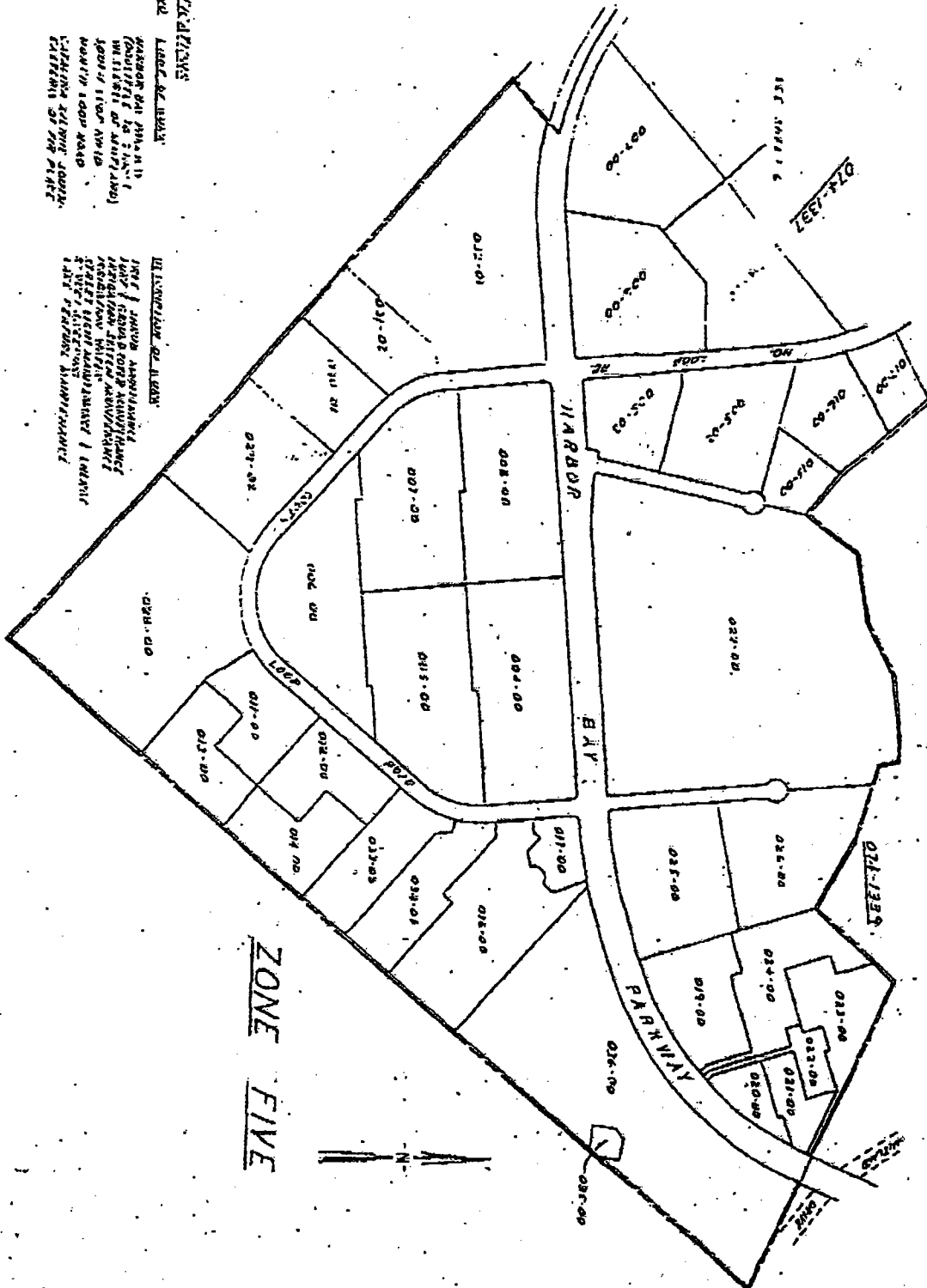


LOT	ACREAGE	OWNER
018-00	0.18	
019-00	0.19	
020-00	0.20	
021-00	0.21	
022-00	0.22	
023-00	0.23	
024-00	0.24	
025-00	0.25	
026-00	0.26	
027-00	0.27	
028-00	0.28	
029-00	0.29	
030-00	0.30	
031-00	0.31	
032-00	0.32	
033-00	0.33	
034-00	0.34	
035-00	0.35	
036-00	0.36	
037-00	0.37	
038-00	0.38	
039-00	0.39	
040-00	0.40	
041-00	0.41	
042-00	0.42	
043-00	0.43	
044-00	0.44	
045-00	0.45	
046-00	0.46	
047-00	0.47	
048-00	0.48	
049-00	0.49	
050-00	0.50	
051-00	0.51	
052-00	0.52	
053-00	0.53	
054-00	0.54	
055-00	0.55	
056-00	0.56	
057-00	0.57	
058-00	0.58	
059-00	0.59	
060-00	0.60	
061-00	0.61	
062-00	0.62	
063-00	0.63	
064-00	0.64	
065-00	0.65	
066-00	0.66	
067-00	0.67	
068-00	0.68	
069-00	0.69	
070-00	0.70	
071-00	0.71	
072-00	0.72	
073-00	0.73	
074-00	0.74	
075-00	0.75	
076-00	0.76	
077-00	0.77	
078-00	0.78	
079-00	0.79	
080-00	0.80	
081-00	0.81	
082-00	0.82	
083-00	0.83	
084-00	0.84	
085-00	0.85	
086-00	0.86	
087-00	0.87	
088-00	0.88	
089-00	0.89	
090-00	0.90	
091-00	0.91	
092-00	0.92	
093-00	0.93	
094-00	0.94	
095-00	0.95	
096-00	0.96	
097-00	0.97	
098-00	0.98	
099-00	0.99	
100-00	1.00	

CITY OF ALABAMA  
BUREAU OF  
LANDS, SURVEYING  
AND MAPPING  
MEMPHIS DISTRICT 84-5

APPROVED: *[Signature]*  
DATE: 11/10/04

8884 61

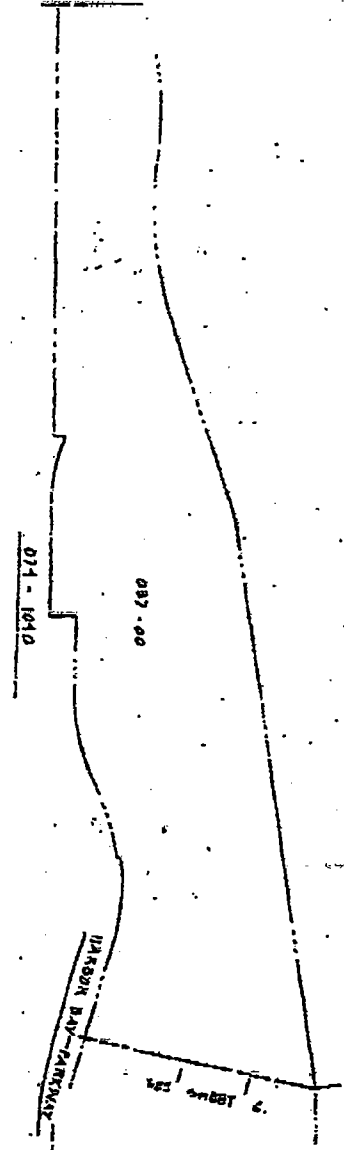
[illegible]

ZONE FIVE

[illegible]



ZONE FIVE

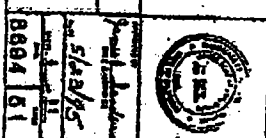


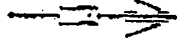
Sheet No.	Quantity	Unit	Notes
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

CITY OF ALABAMA  
 Mayor  
 ALABAMA PUBLIC WORKS  
 LIBRARY BUREAU

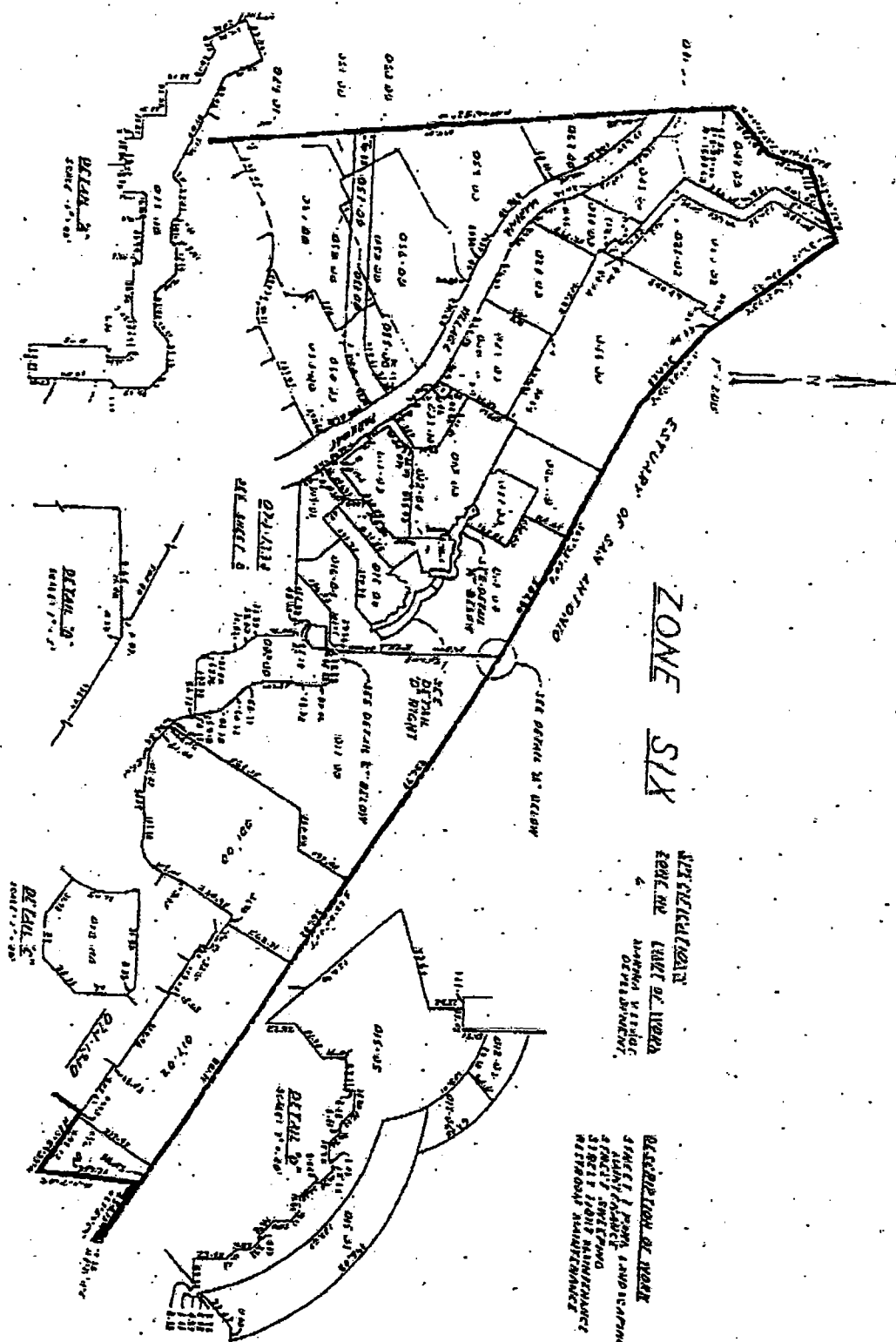


8004 61





Zone S1A



ZONE SLX

[illegible][illegible][illegible]



CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND  
ASSESSMENT AND ORDERING LEVY OF ASSESSMENTS, ISLAND  
CITY LANDSCAPING & LIGHTING DISTRICT 84-2

WHEREAS, by its Resolution No. 13815 a resolution directing preparation of Annual Report for Island City Landscaping and Lighting District 84-2, this Council designated the City Engineer, as Engineer of Work and ordered said Engineer of Work to make and file a report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that on Tuesday, June 21, 2005, at the hour of 7:30 o'clock p.m., in the regular meeting place of this Council, Council Chambers, Alameda City Hall, 2263 Santa Clara Avenue, Alameda, California, was appointed as the time and place for a hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was duly and regularly published; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested, desiring to be heard, were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

NOW, THEREFORE, IT IS RESOLVED, that:

1. No vote of the property owners is required because proposed increases are allowed based on previous approval of the property owners owning more than fifty percent (50%) of the area of assessable lands within the District.
2. The public interest, convenience and necessity require that the levy be made.
3. The District benefited by the improvements are to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.
4. The Engineer's Report as a whole and each part thereof to wit:
  - (a) the Engineer of Work's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;

**Resolution #5-D  
6-21-05**

Approved as to Form

CITY ATTORNEY



(b) the diagram showing the assessment district, plans and specification for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District; and

(c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto; is finally approve and confirmed.

5. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, the estimate of the costs and expenses, the diagram and the assessment, as contained in the report, as hereinabove determined and ordered, shall refer and apply to the report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

6. The assessment to pay the costs and expenses of the maintenance of the improvements is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution directing preparation of Annual Report.

7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at he hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid findings and determination as to special benefits.

8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Director of Finance of this City.

9. Upon receipt of moneys representing assessments collected by the County, the Director of Finance of this City of Alameda shall deposit the moneys in the City Treasury to the credit of an improvement fund, which improvement fund the Director of Finance of this City is

hereby directed to establish under the distinctive designation of the District. Moneys in the improvement fund shall be expended upon for the maintenance of the improvements.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 21<sup>st</sup> day of June, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSECTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_ 2005.

---

Lara Weisiger, City Clerk  
City of Alameda

# **CITY OF ALAMEDA MEMORANDUM**

Date: June 6, 2005

To: Honorable Mayor and  
Councilmembers

From: William C. Norton  
Acting City Manager

Re: Public Hearing to Consider Resolution Approving Engineer's Report, Confirming Diagram and Assessment and Ordering Levy of Assessments, Maintenance Assessment District 01-01 (Marina Cove)

---

## **BACKGROUND**

Pursuant to the Landscaping & Lighting Act of 1972, the City Council appointed the engineer and attorney for the annual proceedings. Council has also preliminarily approved the Engineer's Report, declared an intention to order levy and collection of assessment, and set a hearing for June 21, 2005 at 7:30 p.m. in the City Council Chambers at Alameda City Hall. The District was formed as a condition for development of Tract 7170 that required the developer to have a funding mechanism for maintaining the required public improvements.

## **DISCUSSION/ANALYSIS**

This district budget covers the maintenance costs for the all improvements within the public right of way. A copy of the Engineer's Report is on file in the City Clerk's office. The maintenance costs for the improvements were initially determined in conjunction with the developer, utilizing standard costs for work. Costs are spread to the parcels by a per square foot basis.

## **BUDGET CONSIDERATION/FINANCIAL IMPACT**

There is no impact to the General Fund. Any costs associated with the annual proceedings will be reimbursed by the District.

## **MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE**

Not applicable.

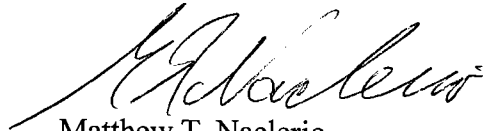
Honorable Mayor and  
Councilmembers

Page 2  
May 25, 2005


RECOMMENDATION

It is recommended that the Council hold the Public Hearing. It is also recommended that the City Council, by resolution, approve the Engineer's Report confirming diagram and assessment, and ordering the levy of assessments for the Maintenance Assessment District 01-01 (Marina Cove).

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director



Margaret A. McLean  
Acting Public Works Coordinator

MTN:MM:gc

G:\PUBWORKS\PWADMIN\COUNCIL\2005\062105\FINAL MAD FOR 05-06.DOC

*Dedicated to Excellence, Committed to Service*

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

ORDERING THE FORMATION OF A MAINTENANCE ASSESSMENT  
DISTRICT AND CONFIRMING THE DIAGRAM AND ASSESSMENT, CITY OF  
ALAMEDA MAINTENANCE ASSESSMENT DISTRICT 01-01

WHEREAS, on February 15, 2005, the City Council adopted Resolution No. 13816, Appointing an Engineer and an Attorney for City of Alameda Maintenance District 01-01, and directed said Engineer to prepare a written report; and

WHEREAS, said report was duly made and filed with the City Clerk and was presented to the City Council for consideration; and

WHEREAS, said Council considered said report and each and every part hereof and found that it contained all the matters and things called for by the provisions of said Code and said Resolution No. 13416, including (1) plans and specifications of the existing improvements and proposed improvements, (2) estimate of costs (3) diagram of the district, and (4) an assessment according to the benefits, all of which was done in the form and manner required by such Code; and

WHEREAS, it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that on Tuesday, June 21, 2005, at the hour of 7:30 o'clock p.m., in the regular meeting place of this Council, Council Chambers, Alameda City Hall, 2263 Santa Clara Avenue, Alameda, California, was appointed as the time and place for a hearing of protests in relation to the formation of a maintenance assessment district pursuant to the City of Alameda Maintenance Procedure Code, to said proposed improvements and the levy of the proposed assessment; and

WHEREAS, it appears that notices of said hearings were duly and regularly published and mailed in the time, form and manner required by said Code, as evidence by the affidavits and certificates on file with said City Clerk; and

WHEREAS, persons interested in objecting to the formation of said maintenance assessment district, or of said improvements, including the maintenance or servicing, or both, Thereof, or to the extent of the maintenance assessment district, or any zones therein, or to the proposed assessment or diagram, or to the Engineer's estimate of costs thereof, were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and this Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof;

NOW, THEREFORE, IT IS RESOLVED, that:

1. The property owners owning more than fifty percent (50%) of the area of assessable lands within the District had not, at the conclusion of the hearing, filed written protests

Approved as to Form  
CITY ATTORNEY

against the proposed levy, as a whole or as to any part thereof, or against the District or the extent thereof to be assessed for the costs and expenses of the levy as a whole, or as to any part thereof, or against the Engineer of Work's estimate of costs and expenses, in whole or in part, or against the maps and description, in whole or in part, or against the diagram or the assessment to pay for the costs and expenses thereof, in whole or in part.

2. The public interest, convenience and necessity require that the levy be made.

3. The District benefited by the improvements is to be assessed for said costs for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are situated in the City of Alameda, California, the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.

4. That said district be, and is hereby designated as "City of Alameda Maintenance Assessment District 01-01" by which name it shall hereafter be referred to in all subsequent proceedings, including proceedings for the levy and collection of assessments.

5. The Engineer's Report as a whole and each part thereof, to wit:

(a) the Engineer of Work's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;

(b) the diagram showing the assessment district, plans and specification for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District; and

(c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots or parcels of land in the District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto, is finally approved and confirmed.

6. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid findings and determination as to special benefits.

7. Upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments

shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Director of Finance of this City.

8. Upon receipt of moneys representing assessments collected by the County, the Director of Finance of this City of Alameda shall deposit the moneys in the City Treasury to the credit of an improvement fund, which improvement fund the Director of Finance of this City is hereby directed to establish under the distinctive designation of the District. Moneys in the improvement fund shall be expended upon for the maintenance of the improvements.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 21<sup>st</sup> day of June, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

# **CITY OF ALAMEDA**

## **MEMORANDUM**

Date: June 15, 2005

To: Honorable Mayor and  
Councilmembers

From: William C. Norton  
Acting City Manager

Re: Public Hearing to Consider Adoption of Resolution Authorizing Collection of Delinquent Integrated Waste Management Accounts by Means of the Property Tax Bills

### **BACKGROUND**

The State Public Resources Code and Health and Safety Code require proper disposal of all refuse and discards. To maintain these required public health standards, the City of Alameda's Solid Waste and Recycling Ordinance requires all residential and commercial properties to receive and pay for Integrated Waste Management (IWM) services, as provided by the City's Franchise Hauler, Alameda County Industries (ACI). Collection services may be paid by the property owner or a tenant; however, since 1996, the City has held property owners responsible for delinquent accounts that are unpaid by their tenant.

In accordance with Chapter XXI, Solid Waste and Recycling, of the Alameda Municipal Code (AMC) and the Franchise Agreement between the City of Alameda and Alameda County Industries (ACI), ACI is obligated to make at least four (4) attempts to collect from delinquent IWM accounts, after which time, ACI may assign its rights to the City. Following the assignment, City may then send a letter to each assigned account requesting payment, and if payment is not promptly received, the City may consider the collection of delinquent accounts by means of the property tax bills. The City Council is required to hold a Public Hearing prior to collecting through the property tax bills. On June 7, 2005, the City Council set June 21, 2005 as the date for this Public Hearing.

### **DISCUSSION/ANALYSIS**

On March 22, 2005, ACI, in accordance with the AMC and their Franchise Agreement, assigned a list of delinquent IWM accounts to the City for collection by placing a lien. In accordance with the AMC, the City sent letters to each assigned account requesting payment, stating that if payment is not promptly received, the City will consider collecting delinquent accounts by means of the property tax bills at a Public Hearing on June 21, 2005. The City is obligated to pay ACI for all delinquent accounts. Accounts that remain delinquent and are not approved for collection through the property tax bills are considered "bad debt" and will be included in the next rate review (commencing July 1, 2007), potentially resulting in an increase in the rates.

*Dedicated to Excellence, Committed to Service*



With adoption of the Resolution by the City Council, delinquent charges shall constitute a lien against the property. The total sum of unpaid delinquent charges consisting of the unpaid charges, penalties, simple interest, and any fees to recover staff costs (hereinafter "Collection Fees") will be forwarded to the County Auditor and placed on the property tax bills.

The AMC provides that delinquent IWM charges shall become a lien on the real property at which the service is received. There are 73 active accounts that have not been paid as of March 15, 2005 for the services received. This includes 19 rental unit properties, 53 single-family residences and 1 commercial/business account. The total amount due for this group of non-paid accounts, not including Collection Fees, is \$44,353.11. ACI has made numerous attempts to collect the balances due per the methodology specified in the Franchise Agreement; however, the accounts remain delinquent. ACI has provided all requisite documentation so that the City Council may conduct the Public Hearing. A list of delinquent accounts and corresponding properties (see Attachment) is on file in the City Clerk's Office. The City sent notification letters to all affected tenants and property owners advising them of the public hearing and requesting their immediate payment of delinquent bills by 5:00 p.m. June 21, 2005. If payment is received, these names will be removed from the list considered by Council at the Public Hearing.

As stated previously, while collection services may be paid by the property owner or a tenant, since 1996, the City has held property owners responsible for delinquent accounts that are unpaid by their tenant. There are 19 accounts associated with rental unit properties that are delinquent. In each case, the property owner has been notified by ACI that their tenant is delinquent and advised that they are ultimately responsible for payment of the IWM account.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

The City receives a 10% franchise fee from ACI. This revenue is deposited in the General Fund. Unpaid IWM fees, therefore, result in a loss in General Fund revenues. The total amount due for this group of non-paid accounts, not including City fees, is \$44,353.11. The loss in General Fund revenue is approximately \$4,435.

#### MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed action does not affect the Alameda Municipal Code.

The City's Integrated Waste Management Program is consistent with the General Plan Health & Safety Element Guiding Policy 8.4.k.

Honorable Mayor and  
Councilmembers

June 15, 2005  
Page 3

RECOMMENDATION

The Acting City Manager recommends that the City Council, by motion, open the public hearing and adopt the resolution authorizing collection of delinquent Integrated Waste Management accounts by means of the property tax bills.

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director



By: Maria DiMeglio  
Program Specialist II

MTN:MD:gc

Attachment

G:\PUBWORKS\pwadmin\COUNCIL\2005\062105\hearingwaste - final.doc

*Dedicated to Excellence, Committed to Service*

ACI Property Owner Lien List - June 1, 2005

APN #	Acct #	Property Owner Name	St #	Street Name	City	St	Zip	Service Address	1st Notice	2nd Notice	ACI	Interest	Admin	Filing	Amount
											Total		Cost	Fee	Due
1	069-0120-014	89234			Alameda	CA	94501	3127 Bayo Vista	March 17, 2004	April 12, 2004	747.74	44.86	32.15	4.46	829.21
2	074-1185-073	2625788	3127	Bayo Vista	Alameda	CA	94501	2821 Bayview Drive	March 17, 2004	April 12, 2004	779.61	46.78	32.15	4.46	863.00
3	070-0168-014	165274	2821	Bayview Drive	Alameda	CA	94501-6347	1641 Broadway	March 17, 2004	April 12, 2004	797.74	47.86	32.15	4.46	882.21
4	073-0412-019	177187	1641	Broadway	Alameda	CA	94501-3053	779 Buena Vista Avenue	March 17, 2004	April 12, 2004	835.18	50.11	32.15	4.46	921.90
5	072-0355-004	183938	779	Buena Vista Avenue	Alameda	CA	94501-2115	1534 Buena Vista Avenue	May 20, 2004	June 16, 2004	372.58	22.35	32.15	4.46	431.54
6	072-0295-007	187199	1534	Buena Vista Avenue	Alameda	CA	94501-1259	1715 Buena Vista Avenue #1	March 17, 2004	April 12, 2004	1234.88	74.09	32.15	4.46	1,345.58
7	072-0297-001	187218	1715	Buena Vista Avenue	Alameda	CA	94501-1202	1722 Buena Vista Avenue	March 17, 2004	April 12, 2004	797.74	47.86	32.15	4.46	882.21
8	072-0297-003	187874	1722	Buena Vista Avenue	Alameda	CA	94501-1269	1730 Buena Vista Avenue	March 17, 2004	April 12, 2004	667.74	40.06	32.15	4.46	744.41
9	073-0397-015-03	2126208	1730	Buena Vista Avenue	Alameda	CA	94501-1269	1303 Caroline Street	May 20, 2004	June 16, 2004	339.18	20.35	32.15	4.46	396.14
10	074-0468-004	1757304	1303	Caroline Street	Alameda	CA	94501-3919	227 Central Avenue	March 17, 2004	April 12, 2004	797.74	47.86	32.15	4.46	882.21
11	072-0343-050	2467728	227	Central Avenue	Alameda	CA	94501-3245	1501-1503 Central Avenue	March 17, 2004	April 12, 2004	339.24	20.35	32.15	4.46	396.20
12	072-0317-016	2707729	1503	Central Avenue	Alameda	CA	94501-2425	1617 Central Avenue	May 20, 2004	June 16, 2004	639.56	38.37	32.15	4.46	714.54
13	074-1332-035	4495118	1617	Central Avenue	Alameda	CA	94501	214 Centre Court	September 13, 2004	November 22, 2004	170.70	10.24	32.15	4.46	217.55
14	073-0383-017	2236412	214	Centre Court	Alameda	CA	94502	1808 Chapin Street	May 20, 2004	June 16, 2004	541.90	32.51	32.15	4.46	611.02
15	071-0246-025	332491	1808	Chapin Street	Alameda	CA	94501-1107	1224 Chestnut Street	September 10, 2004	December 14, 2004	1062.35	63.74	32.15	4.46	1,162.70
16	069-0134-011	382145	1200	San Antonio Avenue	Alameda	CA	94501-5413	1207 College Avenue	May 20, 2004	June 17, 2004	515.44	30.93	32.15	4.46	582.98
17	069-0134-005	3105215	1207	College Avenue	Alameda	CA	94501	1239 College Avenue	March 17, 2004	April 13, 2004	797.74	47.86	32.15	4.46	882.21
18	074-1327-133	393074	1239	College Avenue	Alameda	CA	94501	124 Cork Road	March 18, 2004	April 13, 2004	797.74	47.86	32.15	4.46	882.21
19	074-1336-029	429227	124	Cork Road	Alameda	CA	94502-7705	111 Damon Court	March 18, 2004	April 13, 2004	768.04	46.08	32.15	4.46	850.73
20	073-0425-008	450030	11	Damon Court	Alameda	CA	94502-6542	1019 Eagle Avenue	March 18, 2004	April 15, 2004	368.13	22.09	32.15	4.46	426.83
21	071-0223-019	2531191	1019	Eagle Avenue	Alameda	CA	94501-1110	1809 Elm Street-Upper	March 18, 2004	April 15, 2004	627.49	37.65	32.15	4.46	701.75
22	071-0245-037	4490601	1809	Elm Street	Alameda	CA	94501-1424	2040 Encinal Avenue #B	May 20, 2004	June 17, 2004	531.76	31.90	32.15	4.46	600.27
23	071-0237-019	508668	2040	Encinal Avenue #B	Alameda	CA	94501-4215	2121 Encinal Avenue	March 18, 2004	April 15, 2004	740.56	44.43	32.15	4.46	821.60
24	074-1020-002-09	4845837	2121	Encinal Avenue	Alameda	CA	94501-4321	506 Fitchburg Avenue	May 20, 2004	June 17, 2004	611.17	36.67	32.15	4.46	684.45
25	074-0464-001	2081761	506	Fitchburg Avenue	Alameda	CA	94502-6755	1557 Fourth Street	May 20, 2004	June 17, 2004	370.73	22.24	32.15	4.46	429.58
26	074-0428-028	681277	1557	Fourth Street	Alameda	CA	94501-3883	630 Haight Avenue	March 18, 2004	April 15, 2004	483.77	29.03	32.15	4.46	549.41
27	074-1070-041	753364	630	Haight Avenue	Alameda	CA	94501-3310	1025 Island Drive	March 18, 2004	April 15, 2004	835.18	50.11	32.15	4.46	921.90
28	072-0355-014	761889	1025	Island Drive	Alameda	CA	94502-6951	1714 Jay Street	March 18, 2004	April 15, 2004	899.41	53.96	32.15	4.46	989.98
29	074-1327-078	772637	1714	Jay Street	Alameda	CA	94501-1233	147 Justin Circle	March 18, 2004	April 15, 2004	395.64	23.74	32.15	4.46	455.99
30	074-1240-008	788281	147	Justin Circle	Alameda	CA	94502	421 Kitty Hawk Road	March 18, 2004	April 15, 2004	451.91	27.11	32.15	4.46	515.63
31	069-0098-004	897452	421	Kitty Hawk Road	Alameda	CA	94501-6037	3016 Lincoln Avenue	March 18, 2004	April 20, 2004	621.05	37.26	32.15	4.46	694.92
32	074-1036-005	918750	3016	Lincoln Avenue	Alameda	CA	94501-3134	114 Maitland Drive	March 18, 2004	April 20, 2004	707.74	42.46	32.15	4.46	786.81
33	072-0301-019	2292325	114	Maitland Drive	Alameda	CA	94502-6726	1514 Mintum Street	March 18, 2004	April 20, 2004	1086.13	65.17	32.15	4.46	1,187.91
34	072-0294-015-01	965903	1514	Mintum Street	Alameda	CA	94501-2511	1816 Mintum Street	March 18, 2004	April 20, 2004	464.39	27.86	32.15	4.46	528.86
35	073-0398-043	1003215	1816	Mintum Street	Alameda	CA	94501-1211	1304 Ninth Street	March 18, 2004	April 20, 2004	522.31	31.34	32.15	4.46	590.26
36	073-0408-012-01	1813705	1304	Ninth Street	Alameda	CA	94501-3954	1624 Ninth Street	May 20, 2004	June 17, 2004	621.48	37.29	32.15	4.46	695.38
37	074-0437-021	1084038	1624	Ninth Street	Alameda	CA	94501	550 Pacific Avenue	March 18, 2004	April 21, 2004	676.66	40.60	32.15	4.46	753.87
			550	Pacific Avenue	Alameda	CA	94501-2125								

ATTACHMENT

ACI Property Owner Lien List - June 1, 2005

APN #	Acct #	Property Owner Name	St #	Street Name	City	St	Zip	Service Address	1st Notice	2nd Notice	ACI	Interest	Admin	Filing	Amount
38 072-0317-023	1170792	Leo H. Beaulieu	1430	Paru Street	Alameda	CA	94501-2533	1430 Paru Street	March 18, 2004	April 21, 2004	346.09	20.76	32.15	4.46	403.46
39 069-0019-009-01	1213201	Jean L. Stang	992	Post Street	Alameda	CA	94501-5572	992 Post Street	March 18, 2004	April 21, 2004	744.22	44.65	32.15	4.46	825.48
40 074-1344-096	1236280	Mary Ulman	11	Redondo Court	Alameda	CA	94501-1136	11 Redondo Court	March 18, 2004	April 21, 2004	676.09	40.57	32.15	4.46	753.27
41 072-0372-033	2931658	Akiba D. Pedro	1260	St. Charles Street	Alameda	CA	94501-3924	1260 St. Charles Street	September 10, 2004	November 22, 2004	668.14	40.09	32.15	4.46	744.84
42 071-0213-032	1327611	Wanda Trujillo	414	Fairway Place	Alameda	CA	94501	2212 San Jose Avenue	September 13, 2004	November 22, 2004	258.98	15.54	32.15	4.46	311.13
43 074-1280-043	1344234	Alice Schaefer	1149	Sand Beach Place	Alameda	CA	94501-5944	1149 Sand Beach Place	March 18, 2004	April 22, 2004	113.78	6.82	32.15	4.46	157.21
44 074-0442-040	1375996	Michael Shelly	546	Santa Clara Avenue	Alameda	CA	94501	546 Santa Clara Avenue	September 13, 2004	November 22, 2004	397.86	23.87	32.15	4.46	458.34
45 072-0332-003	1844988	Cynthia Ridenour	636	Windemere Isle	Alameda	CA	94501-6915	1552 Santa Clara Avenue	March 18, 2004	October 19, 2004	1062.35	63.74	32.15	4.46	1,162.70
46 074-1326-112	1445970	Lisa D. Saraspi	6	Shannon Circle	Alameda	CA	94502-7729	6 Shannon Circle	March 18, 2004	April 22, 2004	611.78	36.71	32.15	4.46	685.10
47 074-1033-049	1493213	Robert Hines	3422	Solomon Lane	Alameda	CA	94502-7047	3422 Solomon Lane	March 18, 2004	April 22, 2004	719.39	43.16	32.15	4.46	799.16
48 074-1323-029	2963662	Antero Caillaux	585	Tarryton Isle	Alameda	CA	94501	585 Tarryton Isle	March 18, 2004	January 11, 2005	729.61	43.78	32.15	4.46	810.00
49 073-0391-012	1551035	Nancy Barnettmoore	1015	Taylor Avenue	Alameda	CA	94501	1015 Taylor Avenue	March 18, 2004	April 22, 2004	312.54	18.75	32.15	4.46	367.90
50 074-1033-030	2077032	Kimberlee Burke	3437	Tonga Lane	Alameda	CA	94502-7050	3437 Tonga Lane	March 18, 2004	April 22, 2004	730.54	43.84	32.15	4.46	810.99
51 070-0148-024	1624296	Ignacio Lastra	1741	Versailles Avenue	Alameda	CA	94501-1650	1741 Versailles Avenue	March 18, 2004	April 22, 2004	365.61	21.94	32.15	4.46	424.16
52 069-0036-001	1647189	James A. Brown	2609	Washington Street	Alameda	CA	94501-5322	2609 Washington Street	March 18, 2004	April 22, 2004	876.70	52.60	32.15	4.46	965.91
53 074-1275-084	1691457	Cynthia Ridenour	636	Windemere Isle	Alameda	CA	94501-6915	636 Windemere Isle	March 18, 2004	November 22, 2004	285.53	17.13	32.15	4.46	339.27
									Sub-Total Pages 1 & 2		32,917.56	1,974.98	1,703.95	236.38	36,832.87

ACI Property Owner With Tenant Lien List - June 2, 2005

APN #	Acct #	PO	Address	City	State	Zip	Service Address	1st Notice	2nd Notice	ACI Total	Interest	Admin Cost	Filing Fee	Amount Due
1 071-0237-030	4606766	Silvia Thompson	9 Wren Court	Petaluma	CA	94954	2110-A Alameda Avenue	September 13, 2004	November 22, 2004	189.87	11.39	32.15	4.46	237.87
2 PM Property Mgmt	4834590	PM Property Mgmt.	2850 Barbers Point	Alameda	CA	94501	2850 Barbers Point	May 20, 2004	June 16, 2004	361.89	21.71	32.15	4.46	420.21
3 074-1342-163	134535	Richard Louie	25 Brehaut Court	Alameda	CA	94502	25 Brehaut Court	March 17, 2004	April 12, 2004	797.74	47.86	32.15	4.46	882.21
4 074-1265-110	4774963	Walter Light	1031 Rosewood Way	Alameda	CA	94501	317 Coral Reef Road	September 10, 2004	November 22, 2004	545.82	32.75	32.15	4.46	615.18
5 069-0119-001	394841	Julie K. Daniels	1730 Cornell Drive	Alameda	CA	94501	1730 Cornell Drive	March 18, 2004	April 13, 2004	729.35	43.76	32.15	4.46	809.72
6 074-1338-039	2114186	Robert Beeson	3519 Depassier Way	Alameda	CA	94502	3519 Depassier Way	March 18, 2004	April 13, 2004	438.04	26.28	32.15	4.46	500.93
7 074-1070-037	4801967	Sang Nguyen	1009 Island Drive	Alameda	CA	94502	1009 Island Drive	September 13, 2004	November 22, 2004	432.77	25.97	32.15	4.46	495.35
8 073-0410-050	2515470	Patrick Lough	1809 Ninth Street	Alameda	CA	94501	1809 Ninth Street	March 18, 2004	April 20, 2004	797.74	47.86	32.15	4.46	882.21
9 074-1225-069	1026237	Truyen T. Dang	2802 Bayview Drive	Alameda	CA	94501	849 Oak Street	March 18, 2004	April 20, 2004	590.79	35.45	32.15	4.46	662.85
10 071-0221-005-00	3019794	Stuart S. Williams	1038 High Street	Alameda	CA	94501	1709 Oak Street	March 18, 2004	April 20, 2004	174.82	10.49	32.15	4.46	221.92
11 072-0349-035	4508779	Heirs of Alice Alves	3841 Malcom Avenue	Oakland	CA	94605	1526-A Pacific Avenue	March 18, 2004	April 21, 2004	240.24	14.41	32.15	4.46	291.26
12 071-0221-005	2244837	Stuart S. Williams Trust	3333 Fernside Boulevard	Alameda	CA	94501	2269 Pacific Avenue	May 20, 2004	June 17, 2004	499.90	30.00	32.15	4.46	566.51
13 071-0205-008	4733296	Chuen Lau	25678 Secret Meadow Court	Castro Valley	CA	94552	1313 Park Street	November 29, 2004	March 29, 2005	1,379.91	82.79	32.15	4.46	1,499.31
14 074-1344-096	2053707	John E. Miteheom	PO Box 400	Alameda	CA	94501	1125 Regent Street	March 18, 2004	April 21, 2004	621.48	37.29	32.15	4.46	695.38
15 071-0238-020	2347871	John J. Sullivan	PO Box 2531	Alameda	CA	94501	2109-B San Antonio Avenue	March 18, 2004	April 22, 2004	466.38	27.98	32.15	4.46	530.97
16 072-0337-005	1314687	Julie A. Yosofzay	1420 San Jose Avenue	Alameda	CA	94501	1420 San Jose Avenue	March 18, 2004	April 22, 2004	356.49	21.39	32.15	4.46	414.49
17 070-0161-014	3059977	Charles Roberts	4330 Rettig Avenue	Oakland	CA	94602	1249 Versailles	March 18, 2004	April 22, 2004	610.47	36.63	32.15	4.46	683.71
18 069-0036-001	2601135	Stuart S. Williams	1038 High Street	Alameda	CA	94501	3204 Washington Street-I	March 18, 2004	April 22, 2004	854.86	51.29	32.15	4.46	942.76
19 069-0036-001	1651834	Stuart S. Williams	1038 High Street	Alameda	CA	94501	3206 Washington Street	March 18, 2004	April 22, 2004	805.90	48.35	32.15	4.46	890.86
20 071-0247-003	1684178	Mike Y. Qi	104 Peninsula Avenue	Burlingame	CA	94010	1315 Willow Street	March 18, 2004	April 22, 2004	541.09	32.47	32.15	4.46	610.17
									Subtotal Page 3	11,435.55	686.12	643.00	89.20	12,853.87
									Subtotal pages 1 & 2	32,917.56	1,974.98	1,703.95	236.38	36,832.87
									<b>GRAND TOTAL</b>	<b>44,353.11</b>	<b>2,661.10</b>	<b>2,346.95</b>	<b>325.58</b>	<b>49,686.74</b>

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

AUTHORIZING COLLECTION OF DELINQUENT INTEGRATED WASTE  
MANAGEMENT ACCOUNTS BY MEANS OF THE PROPERTY TAX BILLS

WHEREAS, pursuant to Alameda Municipal Code subsection 21-20.6b (Ordinance #2886, Solid Waste and Recycling, Failure to Pay) which states that the amount of charges, penalty, and interest imposed is assessed against the property and, if not paid when due, shall constitute an assessment against the property and shall be a lien against the property; and

WHEREAS, pursuant to Alameda Municipal Code subsection 3-58.16 (Notice of Hearing on Lien), the Public Works Director shall file with the Acting City Manager a written notice of those persons on whom the City will file liens; and

WHEREAS, upon receipt of such notice, the Acting City Manager shall present same to the City Council; and

WHEREAS, the City Council shall hold a public hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda and pursuant to Alameda Municipal Code subsections 21-20.6b:

1. The City's Franchise Hauler, Alameda County Industries (ACI), has submitted a list of delinquent accounts and corresponding properties. ACI has established that each delinquent account is at least 60 days late in payment.
2. ACI has established that it sought collection for one year from the invoice date and has made at least four efforts to collect on the delinquent account.
3. On March 22, 2005, ACI assigned its right to the unpaid accounts to the City in writing.
4. City staff provided Council with a report and filed said report with the City Clerk listing each property and the amount due in unpaid charges, plus any penalties, interest, and other collection fees.
5. On June 2, 2005, the City Clerk mailed a letter to each property owner (as well as to tenants) requesting payment and stating that if payment was not received by 5 p.m. on June 21, 2005, the City will hold a public hearing at 7:30 p.m. in City Council Chambers to consider placing a lien on the property in order to collect the delinquent amount with the property tax bill.
6. On June 7, 2005, the City Clerk published Notice of the filing of the report as well as the time, date and place for the public hearing to be held on June 21, 2005.
7. On June 21, 2005, the City Council held a public hearing and confirmed the staff report and directed the Clerk to forward to the County Auditor the total sum of unpaid delinquent charges including any penalties, interest and other collection fees.

\* \* \* \* \*

**Resolution #5-F  
6-21-05**

Approved as to Form

CITY ATTORNEY

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 21st day of June 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 21<sup>st</sup> day of June 2005.

---

Lara Weisiger, City Clerk  
City of Alameda

# **CITY OF ALAMEDA**

## **MEMORANDUM**

Date: June 15, 2005

To: Honorable Mayor and  
Councilmembers

From: William Norton  
Acting City Manager

Re: Authorize Acting City Manager to Negotiate and Execute Extension of the Harbor Bay Maritime Ferry Operating Agreements for Alameda Harbor Bay Ferry Service (AHBFS) and Adopt Associated Budgets

---

### **BACKGROUND**

In June 2004, the City and Harbor Bay Maritime (HBM) entered into the Sixth Amended and Restated Operating Agreement for the East End Ferry Service (Agreement). The Agreement is a multi-year fixed subsidy contract with an 11-month initial term beginning August 2004 and providing for four (4) additional one-year extensions subject to City and HBM agreement on fares, subsidy, insurance requirements and service levels. The Agreement is a modified fixed subsidy contract under which HBM receives a fixed subsidy and use of two City-owned boats. On January 2, 2005, HBM notified the City that it wished to exercise its option to extend the Agreement. Subsequently the City and HBM began negotiations on terms for the year effective July 1, 2005.

In April 2002, the Metropolitan Transportation Commission (MTC) established a 40% Farebox Recover Ratio (FRR) as a condition for continued Regional Measure 1 (RM1) grant eligibility and gave grant recipients three years to reach or exceed that goal. RM1 provides about 55% of the ferry's public subsidy. After negotiations with the City, MTC agreed to extend AHBFS's RM1 eligibility through June 2006 if the City proposed and implemented a plan acceptable to MTC that demonstrated that the FRR requirement could be met or exceeded for the year ending June 30, 2006. A proposal to achieve an estimated 40.8% FRR has been developed and if approved by City Council will be formalized in the First Amendment to the Sixth Amended and Restated Operating Agreement for the East End Ferry Service. If the City and HBM cannot agree on extension terms, the Agreement will terminate on June 30, 2005. However, the Agreement contains provisions for HBM to continue operating the AHBF on a month-to-month basis until the City finds another operator providing that the City pays HBM's ongoing operational costs.

**Farebox Recover Ratio** – The FRR is the ratio of farebox revenue to total operating cost subsidized with public funding. FRR is widely used as one indicator of the cost effectiveness of public funding for transit services. For purposes of RM1 grant eligibility, the FRR calculation includes only those expenses that are paid for through either farebox revenue or through public provided funding. In the case of the AHBFS, public funding consists of revenue from the Transportation Improvement Fund (TIF), Measure B and RM1. MTC uses the Federal Transportation Administration (FTA) definition

*Dedicated to Excellence, Committed to Service*



of FRR that excludes charter and concessions revenue from the FRR calculation. HBM's estimated FRRs for the first five months of 2005 are: January, 35.3%; February, 36.8%; March, 36.3%; April, 35.5%; May, 40.6%.

### DISCUSSION/ANALYSIS

The Acting City Manager and HBM have agreed on the following to increase farebox revenue and reduce operating costs. Farebox revenue will be increased through the following steps:

- Fare Increase – Increase fares across the board by \$0.50 each way. The fare increase will be implemented immediately and is in addition to the existing \$0.25 fuel surcharge. Results of May 5, 2005 survey showed that 77% of respondents were either neutral or in favor of a \$0.50 fare increases if: a) it was needed to continue the service; b) every effort was made to reduce operating costs; and c) marketing of the AHBFS was improved. In order to implement the \$0.50 increases immediately, the fare increase will be implemented under the existing authority granted by the California Public Utilities Commission (CPUC) for a fuel surcharge. HBM will apply to the CPUC for a formal tariff change. The new fares are provided in Table 5 (see attached tables).
- Marketing - To improve the marketing effort, the City has established an Ad Hoc Committee to develop a Marketing Action Plan (MAP). The committee, which began work on May 23, 2005 consists of the San Francisco Water Transit Authority (WTA), Johnson & Ukropina (Marketing Research/Advertising Agency), Robert Anthony Advertising, HBM and the City Ferry Manager. In addition, the City has contracted with Lorre Zuppan, of "Branes, LLC" to assist with MAP development. The MAP will also incorporate rider suggestions and explore ways to enlist rider volunteers in some components of plan implementation. AHBFS riders have been invited to submit their suggestions via e-mail or by attending one of two public meetings scheduled for May 25, 2005 and for June 1, 2005. Staff has also been working with the WTA to secure \$30,000 in Regional Measure 2 Revenue for MAP implementation. The WTA has already agreed to spend up to \$10,000 before June 30, 2005 on a direct mail promotion targeting Bay Farm Island. As the year progresses, the City will keep riders informed on the ferry's FRR progress through onboard announcements and postings on the web site.

HBM operational costs will be reduced through the following steps:

- Service Reduction – The 7:30 p.m. San Francisco Ferry Building departure will be eliminated for an estimated net savings of approximately \$31,000. HBM will operate the 7:30 p.m. run on Friday only for the six-month period May through October, as family-night to increase ridership and improve awareness of the services to families.
- Insurance Cost – HBM's Hull & Machinery (H&M) premium will be reduced by \$17,000 by increasing Hull & Machinery deductibles. The H&M deductible for the Bay Breeze will

*Dedicated to Excellence, Committed to Service*

increase from \$25,000 to \$50,000 whereas the deductible for the Express II will increase from \$15,000 to \$30,000. The Agreement will be modified to make the City responsible for deductible payment unless the damage was due to HBM's sole negligence.

- Onboard Labor Costs – Labor costs will be contained by freezing wages and benefits and will be reduced by \$8,000 by using the HBM General Manager as a relief captain. In initial negotiations, HBM asked the Inlandboatmen's Union (IBU) to freeze wages and benefits and reduce crew hours from 16 per weekday (two 8-hour shifts) to 14 hours per day. However, through subsequent negotiations, the three parties were able to settle upon a package of expense reductions and a fare increase that allows the 16-hour workday to be retained. HBM still requires a wage and benefit freeze. As an offset to this, HBM has agreed with the IBU to share 25% of any farebox revenue over the projected \$484,000.
- Reduce HBM Administration cost – The HBM General Manager will be reduced to a four-day week, thereby saving \$14,000.
- HBM Overhead and Profit – Reduced by \$15,000.
- HBM Operating Contingency - Reduced by \$6,749 to \$19,251.

Operator expenses are summarized in Table 1 (see attached tables).

City AHBFS administrative cost will be reduced through the following:

- Eliminate one staff position and reduce the amount of staff time dedicated to overseeing AHBFS operations and contracts. A savings of \$25,725.
- Elimination of a paid Facility Security Officer position for a savings of \$7,820. A Facility Security Office for each ferry terminal is required under the Homeland Security Act of 2000. HBM will assign these duties to its General Manager.

City AHBFS expenses are summarized in Table 2 (see attached tables).

The City's ferry services are not alone in needing to reduce service and increase revenue. Almost all Bay Area public transit agencies are considering service reductions and/or fare increases. Since 2000, AC Transit has reduced service by 20% and is considering a 15% fare increase. MUNI is considering a 7% reduction in service and a fare increase while BART will eliminate 115 staff positions, charge parking fees, apply a \$0.10 per ticket surcharge and reduce the senior, disabled and child discount.

Additional Agreement terms are:

- Duration: The term of the First Amendment is for one year beginning July 1, 2005. There are three additional one-year extensions subject to City and HBM agreement on fares, insurance requirements, service levels and subsidy.
- Pro Forma Budget: Projected FY 2005/06 operator expenses are \$1,074,625. In addition, there are City expenses of \$221,175. The \$221,175 includes \$110,500 in capital reserves. Therefore, total AHBFS costs (operational and capital reserves) are expected to be

*Dedicated to Excellence, Committed to Service*

\$1,295,800 compared to the \$1,396,500 budgeted for FY 2004/05 (see Table 1). Capital Reserves are the “sink funds” accumulated over several years for major facility or vessels maintenance, overhauls and refurbishment. According to a 2004 consultant study, adequate funding of AHBFS reserves (vessels and terminal) requires an annual contribution of \$465,000.

- Subsidy: HBM will receive an operating subsidy of \$590,625. Sources of AHBFS public funding are detailed in Table 3 (see attached tables).
- Re-assignment of the Express II: The Express II is currently assigned to HBM as the back up boat for the AHBFS. HBM estimates that the cost to insure and maintain the boat is \$40,000 per year. To reduce this cost, staff has begun discussions with the WTA concerning the transfer of the Express II to the WTA. Under the transfer proposal, the WTA would make the boat available to Bay Area ferry operators on a bareboat charter basis for back up service. HBM is required to keep the Express II as a service back up until it is transferred to the WTA. Transfer of the boat will require City Council and WTA Board approval. Approval of the HBM operating contract extension by Council authorizes transfer of the Express II to the WTA subject to WTA Board approval.
- Ridership Projection: HBM projects farebox revenue of \$484,000 on estimated ridership of 106,373 at an average fare paid of \$4.55 per one-way ticket. The 106,373 estimate is based on actuals for January through March 2005 projected to 12 months. However, elimination of the 7:30 p.m. Ferry Building departure and imposition of a \$0.50 one-way fare increase will result in some loss of the existing ridership base. This should be offset by the increased marketing effort. Therefore, staff believes that 106,373 passengers is a reasonable estimate.

#### Additional Steps To Reduce Costs:

- Reducing Fuel Expense: At the suggestion of the Inlandboatmen’s Union (IBU), the WTA is investigating the possibility of a joint bulk fuel purchase by a consortium of ferry operators. Staff will work with the IBU and the WTA to determine the feasibility of this proposal.
- Reducing Port of San Francisco Docking Fees: The IBU has approached the Port of San Francisco concerning the possibility of reducing Ferry Building landing fees for City ferry services. Staff will work with the IBU and the Port of San Francisco to determine the feasibility of this proposal.
- Eliminating San Francisco Pier 48 Rent: HBM pays \$12,000 per year to rent Pier 48 in San Francisco. Pier 48 is where the Express II and the Bay Breeze are layberthed and maintained. The City is exploring the possibility of relocating the boats to Alameda Point. If the vessels are relocated to Alameda, the cost reduction of the relocation, net of capital relocation costs and any east bay dock rent or fees (utilities, rent, etc), will be split equally between the City and HBM.

*Dedicated to Excellence, Committed to Service*

- Farebox Recovery Ratio (FRR): Under the proposed terms of the First Amendment to the Agreement, HBM will receive a total FY 2005/06 subsidy payment of \$590,625. In addition, the City's non-capital AHBFS costs will be \$110,675. Therefore, total public funding for AHBFS operations will be \$701,300. If farebox revenue is \$484,000, the FRR will be 40.8%. FRR calculation is provided in Table 4 (see attached tables).

#### BUDGET CONSIDERATION/FINANCIAL ANALYSIS

This project is funded under CIP# 621.10. There is no impact to the General Fund associated with AHBFS operations. Public funding for FY 2005/06 totals \$811,800 and is detailed in Table 3 (see attached tables). The farebox revenue estimate of \$484,000 assumes a \$0.50 each way fare increase and ridership of approximately 106,373 passengers. The AHBFS Pro Forma Budget is provided as Table 1 (see attached tables).

#### MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

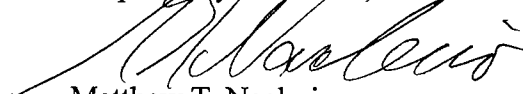
The proposed Ordinance does not affect the Alameda Municipal Code.

The City's Ferry Service is consistent with the General Plan Transportation Element Guiding Policy 4.3.f.

#### RECOMMENDATION

The Acting City Manager recommends that the City Council, by motion, authorize Acting City Manager to negotiate and execute an extension of the HBM Ferry Operating Agreements for AHBFS and adopt associated budgets.

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director



By: Ernest Sanchez  
Ferry Manager

MTN:ES:gc

Attachment

cc: Measure B Watchdog Committee

G:\PUBWORKS\pwwadmin\COUNCIL\2005\062105\HBMcontractextension2.doc

*Dedicated to Excellence, Committed to Service*

**Table 1**  
**AHBF FY '05/06**  
**Operator Expenses**

ITEM	FY '04/05 Budget (3)	FY '05/06 Budget	Change
<b>I. Commute Service</b>			
<b>Vessel Expenses</b>			
Fuel (1)	\$172,900	\$228,800	\$55,900
Labor:			
Wages, P/R taxes, Health, Pension	\$420,002	\$412,002	-\$8,000
Insurance (Vessels)	\$145,400	\$110,000	-\$35,400
Vessel Maintenance:	\$109,880	\$96,000	-\$13,880
<b>Total Vessel Expenses</b>	<b>\$848,182</b>	<b>\$846,802</b>	<b>-\$1,380</b>
<b>Non Vessel Expenses</b>			
SF Pier 48 rent	\$12,000	\$12,000	\$0
Utilities, auto, legal, payroll processing	\$111,112	\$61,572	-\$49,540
Admin Salaries	\$118,000	\$104,000	-\$14,000
Ticket printing, web site, directory advertising (2)	\$0	\$12,000	\$12,000
<b>Total Non Vessel Expenses</b>	<b>\$241,112</b>	<b>\$189,572</b>	<b>-\$51,540</b>
<b>Operator Fees:</b>			
Overhead /Accounting	\$30,000	\$15,000	-\$15,000
Operator Contingency	\$26,000	\$23,251	-\$2,749
<b>Total commute cost</b>	<b>\$1,145,294</b>	<b>\$1,074,625</b>	<b>-\$70,669</b>
<b>II. Charter</b>			
<b>Vessel Expenses</b>			
Fuel	\$8,000	\$13,750	
Labor	\$12,200	\$12,200	
Insurance (4)	\$2,000	\$4,000	
Vessel Maintenance:	\$7,000	\$10,500	
<b>Total Vessel Expenses</b>	<b>\$29,200</b>	<b>\$40,450</b>	
<b>Non Vessel Expenses</b>			
Docking fees ( Sacramento, SF)	\$2,000	\$2,200	
Ticket printing	\$8,000	\$8,000	
Misc.: Concessions, catering, ground transportation	\$36,740	\$26,200	
<b>Total Non Vessel Expenses</b>	<b>\$46,740</b>	<b>\$36,400</b>	
<b>Operator Fees:</b>			
Overhead /Accounting	\$90,000	\$90,000	
<b>Total charter cost</b>	<b>\$165,940</b>	<b>\$166,850</b>	
<b>Total (Charter + Commute)</b>	<b>\$1,311,234</b>	<b>\$1,241,475</b>	
<b>City Expense</b>	<b>\$251,206</b>	<b>\$221,175</b>	<b>-\$30,031</b>
<b>Total (Operator commute only + City)</b>	<b>\$1,396,500</b>	<b>\$1,295,800</b>	<b>-\$100,700</b>

(1) For '05/06, assumes 104,000 gallons at \$2.20 per gallon.

(2) In '04/05, this item was included in the City budget.

(3) There are only 9 months of service in 2004 due to ferry terminal storm damage

(4) In 05/06, calculated at \$40/hr x 100 hrs.

Note: Shaded area items not included in FRR calculation.

**Table 2**  
**City Expenses**

ITEM	FY '04/05 Budget	FY '05/06 Budget	Change
Maintenance & Docking fees:			
Ferry Bldg.	\$23,000	\$23,000	\$0
Harbor Bay (1)	\$21,600	\$9,500	-\$12,100
MUNI	\$18,000	\$15,000	-\$3,000
Marketing (excl charter)(2)(3)	\$30,000	\$0	-\$30,000
City Admin	\$55,300	\$29,575	-\$25,725
Facility Security Officer	\$7,820	\$0	-\$7,820
Office supplies	\$1,600	\$1,600	\$0
Back Up boat	\$0	\$30,000	\$30,000
Audit.	\$2,800	\$2,000	-\$800
Reserve Accounts			
Vessels			
Express II	\$20,000	\$25,000	\$5,000
Bay Breeze	\$40,586	\$55,000	\$14,414
HB Terminal	\$30,500	\$30,500	\$0
<b>Total</b>	<b>\$251,206</b>	<b>\$221,175</b>	<b>-\$30,031</b>

(1) In '05/06, \$12,100 will be paid through the LLMD for maintenance costs only.

(2) For 2005/06, Marketing allocation has been moved to the HBM budget.

(3) Staff expects WTA to provide \$30,000 for marketing.

**Table 3**  
**AHBF - FY 2005/06**

Source	REVENUE	Adjustments		
		Less charter & concessions	Less private subsidy	Public funding
MTC RM1-5%	\$450,000			\$450,000
Measure B '04/05 revenue	\$144,400			\$144,400
TIF	\$217,400			\$217,400
HBBPA	\$96,000		\$96,000	
Concesions	\$28,000	\$28,000		
Charter	\$50,000	\$50,000		
<b>subtotal</b>	<b>\$985,800</b>	<b>\$78,000</b>	<b>\$96,000</b>	<b>\$811,800</b>
Farebox	\$484,000			\$484,000
<b>Total</b>	<b>\$1,469,800</b>			<b>\$1,295,800</b>

**Table 4**  
**Farebox Recovery Ratio**  
**FY 2005/06**

ITEM	Total	Less Capital Reserves	Net operating cost
Operator costs subsidized by public revenue	\$590,625	\$0	\$590,625
City Expenses	\$221,175	\$110,500	\$110,675
<b>Total</b>	<b>\$811,800</b>		<b>\$701,300</b>
Farebox revenue	\$484,000		\$484,000
Total operating cost subsidized by farebox and public funds.			\$1,185,300
<b>FRR</b>			<b>40.83%</b>

**Table 5 AHBFS Fares**

TYPE	Current One-Way Fare (1)	Effective by July 2, 2005 (2)
Adult	\$5.50	\$6.00
Junior (5-12)	\$2.75	\$3.25
Child (under 5)	FREE	FREE
Seniors (65 and older)(Disabled)	\$3.25	\$3.75
Active Military	\$4.25	\$4.75

Ticket Books	Current Price	Effective by July 2, 2005 (2)
10-Ticket Book	\$45.00	\$50.00
20-Ticket Book	\$80.00	\$90.00
Monthly Pass	\$150.00	\$170.00

- (1) Includes \$0.25 fuel surcharge  
(2) Includes \$0.50 each way fare increase

**From:** <TDaysog@aol.com>  
**To:** <lweisiger@ci.alameda.ca.us>  
**Date:** 6/13/2005 8:40:43 AM  
**Subject:** Council Communication Agenda Item

Council Communication Agenda Item

Per Subsection 2-1-5 ("Submission of Matters") of the Municipal Code, please include the article below on the proposed baseball stadium along Alameda and Oakland's shared estuary for Council Communication discussion. Thank you.

Tony Daysog, Councilmember

-----  
Subsection 2-1-5 Submission of Matters.

Before 5:00 p.m. on the Monday of the week prior to each Council meeting any City official, board, commission or other municipal body having any reports, communications or other matters for submission to the Council, shall hand the same to the City Clerk whereupon the Clerk shall arrange a list of such matters according to the order of business specified in subsection 2-1.6 hereof, and furnish a typewritten copy of the list to each member of the Council. (Ord. No. 535 N.S. §2-115; Ord. No. 1946 N.S.)

-----  
OAKLAND

A's realign their site search  
De La Fuente pushes for new ballpark on estuary's waterfront  
By Glenn Dickey, Chronicle Staff Writer  
SF Chronicle  
Saturday, June 11, 2005

The A's have given up on the Coliseum area as a site for a proposed new park and Oakland City Council President Ignacio De La Fuente has proposed a new site on the waterfront.

When Lew Wolff first bought into the A's last year, with the goal of building a new park, he decided to concentrate on the Coliseum area as the most feasible option, but opposition from the Raiders and Warriors has caused him to abandon that site.

"The other tenants objected to our building a new park," Wolff said, "and frankly, I can't blame them. They're trying to run their own operations, and this would get in their way."

Wolff, who meets with De La Fuente every two weeks to discuss the park project, said he has had only one brief conversation with the councilman on the proposed new site and did not want to comment on it.

De La Fuente said the site is a city-owned, 65-acre parcel of land west of Interstate 880. It is south of the Lake Merritt Channel, which runs from the Oakland Estuary to Lake Merritt.

"We're going to have 3,100 units of housing and 2,000 square feet of retail on that parcel," he said. "We already have an agreement with Signature Properties."

He said, though, that there still would be room for a park. Typically, ballparks are on about 15 acres, though the Giants' park in China Basin was shoehorned into 12 1/2 acres. The kind of development about which De La Fuente is talking, a ballpark amid housing and retail, has been the model for other new parks around the country for the past 15 years.

Michael Ghilmetti, president of Signature Properties, which is trying to get permission for the housing/retail operation, said, "We've told the A's that if they want to put a park on this site, we'd be happy to sit down



and talk about working something out. So far, nobody has asked us to do that."

Because of the housing/retail aspect of the development, urban renewal funds would be available for part of the financing of the park. Such funds were part of the formula for the first of the new era of smaller, neighborhood- integrated baseball parks, Camden Yards in Baltimore, as well as for what is now HP Pavilion in San Jose.

Access to the park would not be as convenient as the Coliseum, which is right next to 880 and a BART station. Since the BART system was built years after the Coliseum, it was a simple matter of planning to put a station there. It's a different matter now. Because of the cost, it's very unlikely a new station would be added now that would be convenient to a new park in the area.

As it is now, access to the area would be like access to Monster Park at Candlestick Point, fairly close to the freeway but with difficult city streets to transverse. With housing and retail going into the area, though, it's likely that the streets will be greatly improved.

Probably the biggest advantage that site has now is the backing of De La Fuente, who is given a good chance of succeeding Jerry Brown as Oakland's mayor next year.

Traditionally, ballparks do not get built without solid support from the city's mayor. In San Francisco, Mayor Art Agnos spearheaded an effort to build a park in China Basin in 1989 that narrowly failed. A later mayor, Willie Brown, gave strong support to the successful effort to build the current Giants park, which was privately financed but still needed city support for zoning and infrastructure.

In contrast, Oakland's Mayor Brown, whose antipathy to sports is well known, has been actively opposed to building a ballpark. When then-City Manager Robert Bobb pushed hard for a ballpark in the uptown area, Brown pressured him to leave. Bobb went to Washington, D.C., which is building a new park for the relocated Montreal Expos, now the Washington Nationals.

E-mail Glenn Dickey at [gdickey@sfchronicle.com](mailto:gdickey@sfchronicle.com).

--

Automatic message to all e-mail recipients: please excuse any mis-spellings or grammatical errors, as I use e-mail primarily as an informal means of communication. Thank you for your consideration.  
- Tony Daysog

CURRENT APPLICATIONS  
CIVIL SERVICE BOARD  
**ONE (1) VACANCY**  
INCUMBENT ELIGIBLE FOR REAPPOINTMENT

Dr. Jerome D. Healy

Nakmin Odie, Incumbent

Raymond O'Loan

CURRENT APPLICATIONS  
HISTORICAL ADVISORY BOARD  
**ONE (1) VACANCY**  
ONE INCUMBENT ELIGIBLE FOR REAPPOINTMENT

Craig S. Halvorson

Michael Henneberry

Randal S. Miller, Incumbent

CURRENT APPLICATIONS  
HOUSING AND BUILDING CODE HEARING AND APPEALS BOARD  
**TWO (2) VACANCIES**  
ONE INCUMBENT ELIGIBLE FOR REAPPOINTMENT

Edward Depenbrock, Incumbent

Raymond E. O'Loan

James A. Price

David A. Solis

CURRENT APPLICATIONS  
HOUSING COMMISSION  
**TWO (2) VACANCIES**  
TWO INCUMBENTS ELIGIBLE FOR REAPPOINTMENT

Lou R. Baca

Nancy W. Gormley, Incumbent (Senior Tennant Seat)

Garnetta S. King, Incumbent

Patricia S. Rose

CURRENT APPLICATIONS  
LIBRARY BOARD  
**TWO (2) VACANCIES**  
TWO INCUMBENTS ELIGIBLE FOR REAPPOINTMENT

Tony P. Albanese

Ruth K. Belikove, Incumbent

Alan D. Mitchell, Incumbent

Gail A. Wetzork

CURRENT APPLICATIONS  
PLANNING BOARD  
**TWO (2) VACANCIES**  
TWO INCUMBENTS ELIGIBLE FOR REAPPOINTMENT

Jeff Cambra

Edward R. Depenbrock

Michael R. Fassler

Michael Henneberry

Greg J. Klein

Rebecca L. Kohlstrand Parsons, Incumbent

Margaret McNamara, Incumbent

James A. Nations

James A. Price

Roderick L. Smith

CURRENT APPLICATIONS  
SOCIAL SERVICE HUMAN RELATIONS BOARD  
**THREE (3) VACANCIES**  
THREE INCUMBENTS ELIGIBLE FOR REAPPOINTMENT

Tony P. Albanese

Stewart Chen, Incumbent

Dr. Jerome B. Healy

Karen Hollinger Jackson, Incumbent

Thomas W. Hurtubise

James A. Price

Jonathan D. Soglin

Cynthia Wasko, Incumbent